(XXVIIIth YEAR.) THE (No. 1444.)

MARYLAND GAZETTE.

THURSDAY, MAY 6, 1773.

"Our places are disposed of to men, that are the ornaments of their own dunghills; to men that have the misfortune of this kingdom chiefly at heart; and who accept of offices only to do the necessary drudgery of the state, and minister to unjust affairs from their servile, and ungrateful principles of their family: hence it happens, that England can never be infamous for a Sejanus, who rose from the dunghill to grasp all power, and whose working wickedness had generally a double plot, upon his prince, and upon the people."

True Briton, No. 38.

THE prince, who places an unlimited confidence in a bad minister, runs great hazard of having that confidence abused, his government made odious, and his people wretched; of the many instances, which might be brought to confirm the observation, none more instructive, can perhaps be selected from the annals of mankind, than the story of Sejanus. We need not however have recourse to the history of other nations, and of other ages, to prove, that the unbounded influence of a wicked minister, is sure to lead his master into many difficulties, and to involve the people in much distress; the present situation of this province is a proof of both.

It is not my intention to compare Antilon with Sejanus; yet whoever has the curiosity to read the character of the latter drawn by the masterly pen of Tacitus, and is well acquainted with the former, will discover some striking likenesses between the two.—The (A) "animus sui obtegens, in alios criminator"—The "juxta adulatio & superbia" are equally applicable to both."

Does it yet remain a secret, who this wicked minister, this Antilon, is? Are ye, my countrymen, "nazed to find him out?" Surely not; his practices have occasioned too much mischief, to suffer him to lurk concealed, notwithstanding all his mean, and dirty arts, to gain popularity, by which he rose to his present greatness, and the indefatigable industry of his tools, in echoing his praises, and celebrating the rectitude of his measures.

In vindication of his conduct, Antilon has not endeavoured to convince the minds of his readers by the force of reason, but "in the favourite method of illiberal "calumny, virulent abuse, and shameless asseveration to "affect their passions"—has attempted to render his antagonist ridiculous, contemptible, and odious; he has descended to the lowest jests on the person of the Citizen, has expressed the utmost contempt of his understanding, and a strong suspicion of his political, and religious principles. What connexion, Antilon, have the latter with the proclamation? Attempts to rouse popular prejudices, and to turn the laugh against an adversary, discover the weakness of a cause, or the inabilities of the advocate, who employs ridicule, instead of argument—"The Citizen's patriotism is entirely feigned;" his reasons must not be considered, or listened to, because his religious principles are not to be trusted—Yet if we are to credit Antilon, the Citizen is so little attached to those principles, "That he is "most devoutly "wishing for the event," which is to free him from their shackles. What my speculative notions of religion may be, this is neither the place, nor time to declare; my political principles ought only to be questioned on the present occasion; surely they are constitutional, and have met, I hope, with the approbation of my countrymen; if so, Antilon's aspersions will give me no uneasiness. He asks—Who is this Citizen?—A man, Antilon, of an independent fortune, one deeply interested in the prosperity of his country; a friend to liberty, a settled enemy to lawless prerogative. I am accused of folly, and falsehood, of garbling moral, and legal maxims, of a narrow, sordid, and personal enmity; of the first, and second accusations, I leave the publick judge, observing only, that my want of veracity has not been proved in a single instance. What moral, what legal maxims have I garbled? Point them out Antilon; you assert that my censures of your conduct flow from a narrow, sordid, and personal enmity; that I dislike your vices, is most true; that my enmity is rancorous, and sordid, I deny; you have made the charge, it is incumbent on you to prove it; should you fail in your proofs, admit you must, on your own principles, that you have exhibited the strongest tokens of a base mind; but what is evident to all, can receive no additional confirmation from your admission. Take this as an answer, the only one I shall give, to all your obloquy and abuse.—That vituperari ab improbo summa est laus. The bad man's censures are the highest commendations.

(A) "A mind dark and unsearchable, prone to blacken "others, alike fawning and imperious."

If the Latin word adulatio implies that Sejanus was fond of flattery, and inclined to flattery, the sentiment is still more applicable to our wicked minister, who is known to swallow greedily the fulsome and nauseous praises of his admirers, and to bear a great deal of damning.

If it be irksome to be engaged against a writer of a "weak head," and *corrupt heart*, the task becomes infinitely more disgusting, when we have to encounter not only the latter vice, but likewise the wilful misrepresentations of craft, and falsehoods dictated by "shameless impudence." It will be shewn in the course of this paper that Antilon is guilty of both charges.

The assessment of ship-money, the Citizen has said, was a more open, the proclamation a more disguised, though not less dangerous attack on liberty; it has, I hope, been proved already, that fees are taxes, and that the settlement of them by proclamation is arbitrary, and illegal; Antilon has not refuted the arguments adduced to prove both propositions; other reasons in support thereof shall be brought hereafter; at present let us consider whether the proclamation be not a *disguised, and dangerous attack on liberty*. If we attend to the time, circumstance, and *real* motive of issuing the proclamation, they will, I think, evince, beyond all doubt, the truth of the assertion. The proclamation came out a few days after the prorogation of the assembly, under the colour of preventing extortion, but in reality to ascertain what fees should be taken from the people by the officers, and after a disagreement between the two houses about a regulation of fees by law. It would have been too insolent, to have informed the people in plain terms; your representatives would not come into our proposals; the governor was therefore advised to issue the proclamation for the settlement of fees, adopting the very rates of the late regulation objected to by your delegates, as unjust, and oppressive in several instances; their obstinate, and unreasonable refusal to comply with our *moderate* demands, constrained us to recur to that expedient. It would I fay have been too daring, to have talked openly in this manner, and too silly, to have avowed, that, to cover the dangerous tendency of the proclamation, it was cloaked with the specious, and pretended necessity of protecting the people from the rapacity of officers. This affected tenderness for the people, considering the character of the minister, who made a parade of it, and has since assigned it as the best excuse of an unconstitutional measure, was sufficient to awake suspicion, and fears. Our constitution is founded on jealousy, and suspicion; its true spirit, and full vigour cannot be preserved without the most watchful care, and strictest vigilance of the representatives over the conduct of administration. This doctrine is not mine, it has been advanced, and demonstrated by the best constitutional writers; the present measures call for our closest attention to it; the latent designs of our crafty minister will be best detected by comparing them with the open, and avowed declarations of government in 1739, on a contest exactly similar to the present. The pursuits of government in the enlargement of its powers, and its encroachments on liberty, are steady, patient, uniform, and gradual; if checked by a well concerted opposition at one time, and laid aside, they will be again renewed by some succeeding minister, at a more favourable juncture.

Extract from the votes and proceedings of the assembly 1739.

"The conferrees of the upper house are commanded "to acquaint the conferrees of the lower house, that "they conceive the proprietary's authority to settle "fees, *where there is no positive law* for that purpose, "to be indisputable, and that they apprehend the exercise of such an authority to be agreeable to the *se*"*veral instructions* from the throne to the respective "governments, and therefore that the upper house "cannot but think a *perpetual law* in this case, rea"sonable and necessary, &c."

Compare, my countrymen, the proclamation issued in 1739 with the present; compare the language of the conferrees of the upper house in 1739, with Antilon's arguments, and vindication of his favourite scheme; in substance they are the same. Antilon's account of ship-money, I have admitted in the main to be true, though not entirely impartial; this sentence conveys no insinuation, but what is plain, and easily justified. A writer may give a relation of facts generally true, yet by suppressing some circumstances, may either exaggerate, or diminish the guilt of them, and by so doing, greatly alter their character and complexion. The justice of the remark will hardly be denied, and the application of it to the present case will evince its utility. Antilon has vented part of his spleen on Mr. Hume; the censured passage is taken from that author, acknowledged by a sensible writer, (B) and thorough whig, to be an instructing, and entertaining historian. To exculpate the *notorious apologist*, and myself, it is necessary to observe that the words "*levied* "with *justice, and equality*" (not *equity* as cited by Antilon) mean, the tax was equally divided among, or assessed upon the subjects without favour and affection to particular persons; that the imposition, though applied to a good and publick use, was contrary to law, the historian has acknowledged in the most forcible, and express words.

Has the Citizen any where asserted, that the assessment of ship-money was legal? Has he not expressly declared, that he does not mean to excuse that assessment? That the conduct of Charles will admit of no good apology? Yet that there were some appearances in his favour, the passages already quoted, candid men, I think, will admit, if not as a proof to convince, at least as an inducement to incline them to that opinion; mine, I confess, it is, and I make the acknowledgment, without fear of incurring the odious imputation of abetting arbitrary measures, or of being a friend to the Stuarts.

What means the insinuation, Antilon, conveyed in this sentence "*The appellation* "tyrant" *has I suppose* "*rubbed the sore.*" Your endeavours to defame, excite only pity, and contempt; your heaviest accusations, thank God, have no better foundation than your own suspicions. But to return. I again assert, that notwithstanding all the acts ascertaining the subjects rights, cited in your last admirable, and polite performance, that the boundaries between liberty and prerogative were far from being ascertained in Charles's reign, with that precision, and accuracy, which the subsequent revolutions, and the improvements one constitution in later times have introduced (C). I must trouble my readers with a few more quotations from the obnoxious historian abovementioned, submitting the justice of his observations, and the inference drawn from them to their decision, and better judgment.

"Those lofty ideas of monarchical power *which* "*were very commonly adopted during that age and to* "*which the ambiguous nature of the English constitution* "*gave so plausible an appearance*, were firmly riveted "in Charles." Again, speaking of illegal imprisonment, "But the Kings of England (says he) who had "not been able to prevent the enacting these laws, "(in favour of personal liberty) had sufficient authority, when the tide of liberty was spent, to hinder "their regular execution, and they deemed it superfluous to attempt the formal repeal of statutes, "which they found so many expedients, and pretences to elude."

"The imposition of ship-money (the same historian remarks) is apparently one of the most dangerous "invasions of national privileges, not only which "Charles was ever guilty of, but which the most arbitrary princes in England, since any liberty had "been ascertained to the people, had ever ventured "upon." He subjoins in a note, "It must however "be allowed, that Queen Elizabeth ordered the seaports to fit out ships, at their own expence, during "the time of the Spanish invasion." Elizabeth treated her parliaments with haughtiness, and assumed a tone of authority in addressing those assemblies, which even the tyrant Charles did not exceed;—her father governed with despotic sway. To these opinions, and unsettled notions of the kingly power, and to the prejudices of the age, candour perhaps will partly ascribe the determination of the judges in favour of ship-money, and not solely to corruption.

The Citizen has said, "*that the revolution rather* "*brought about, than followed King James's abdication of* "*the crown.*" The assertion is warranted by the fact. James's endeavours to subvert the establishment of church and state, and to introduce arbitrary power, occasioned the general insurrection of the nation in vindication of its liberties, and the invasion of the Prince of Orange, soon afterwards crowned King of England. James, dispirited by the just, and general desertion of his subjects, and fearing, or pretending to fear violence from his son in law, withdrew from the kingdom; his withdrawing was what properly constituted his abdication of the crown: his tyrannical proceedings were the cause indeed of that abdication, and voted together with *his withdrawing*, an abdication of the government; till that event the revolution was incompleat. Will any man, except Antilon, or one equally prejudiced, infer from the last mentioned quotation, that the Citizen intended to cast any reflection on the revolution, to represent it as an *unjust* act of violence, or that he does not approve the political principles of those, by whom it was principally accomplished?——I shall now consider Antilon's main argument in support of the proclamation, first reducing it into a syllogism.

"Taxes cannot be laid but by the legislative authority; but fees have been laid by the separate branches "thereof; therefore fees are not taxes."

I deny the major, Mr. Antilon, in the latitude laid down by you, but admit it with this restriction, saving, in such cases as are warranted by long, immemorial, and uninterrupted usage. The very instances adduced in your paper are an exception to the general rule. The two houses of parliament have separately settled fees, as I said before, by the usage, custom, and law of parliament, which is part of the law of the land.

"*The judges in Westminster-hall have settled fees,*" you say, without defining what you mean by a settlement

(A) "Animus Sejani obtegens—Observations on the statutes "chiefly the more ancient.

(C) "The latter years, says Blackstone, of Henry VIII. "were the times of the greatest despotism, that have been "known in this island since the death of William the Nor"man; the prerogative, as it then stood by common law "(and much more when extended by act of parliament) "being too large to be endured in a land of liberty."

of fees in this instance: your inference, "*therefore a similar power is vested in the governor of this province,*" I deny. The inference will not be granted, unless you prove, that the King by his sole authority, contrary to the express declaration of the commons, has settled the fees of officers belonging to the courts of law, and equity, in Westminster-hall, that is, hath laid new fees on the subject, at a time when they were no longer paid out of the royal revenue, but taken out of the pockets of the people. The fees of officers have been established for many years past in this province by the legislature, and the act establishing them was made temporary, that on a change of circumstances an alteration of the fees, if expedient, should take place; that this was the *sole* motive of making the inspection law temporary, the Citizen has not asserted, nor has Antilon denied it to be *one* of the motives. An inspection of the votes and proceedings of assembly in 1739 will evince, that the principal reason of giving a temporary existence to that act was to alter, and correct the table of fees on the expiration of it.

"31 May 1739.—The conferrees of the upper house "acquaint the conferrees of the lower house, that the "upper house could agree to no law to establish offi- "cers fees, but what should be *perpetual*, and were "ordered not to proceed to consider of any fees, till "the sense of the lower house on that point should be "made known."

"3 June 1739.—This house (the lower) having "taken into consideration the report of their mem- "bers appointed conferrees concerning the officers fee- "bill, and the proposal made by the conferrees of the "upper house, of making that bill *a perpetual act*, do "unanimously agree, that it would be of the *most dan- "gerous and destructive consequence to the people of this "province to make such act perpetual.*"

Judge now reader what was the principal intention of the delegates in making the inspection law temporary; but if fees may be lawfully settled by proclamation, "*when there happens to be no prior provision, or "establishment of them by law,*" then may the fees originally settled by a temporary act, be upheld by prerogative, and made perpetual, and the province be left exposed to the same dangerous, and destructive consequences, which were apprehended from a perpetuity of the law.

Antilon asserts, "That the Citizen has been con- "strained to admit, that the judges in England have "settled fees." This assertion I must take the liberty of contradicting; if the reader will be at the trouble of turning to the Citizen's last paper, he will there see, that the Citizen, after quoting Antilon's words, "*The "courts of law and equity in Westminster-hall have like- "wise settled fees,*" asks, by what authority? "Anti- "lon, says he, has not been full, and express on this "point"——"Admitting even, (continues the Citi- "zen) that the chancellor, and judges have settled "fees, by virtue of the King's commission, at the re- "quest of the house of commons, without the sanction "of a statute, yet the precedent by no means applies "to the present case."——Is this being constrained to admit that the judges in England have settled fees? Once for all, Antilon, I must inform you, that I shall never admit your assertions, barely on the strength of your *ipse dixits*, unsupported by other proof; I perceive your drift, but I know my man, and will not suffer myself to be intangled in his snares.

"*Vane* ligur, frustraque animis elate *superbis*,
"Nequicquam patrias tentasti *lubricus* artes.

——————————" Proud Antilon,
"On others practise thy deceiving arts;
"Thin stratagems, and tricks of little hearts
"Are lost on me————

"*The judges in Westminster-hall have settled fees.*" A full enquiry into this matter, I am inclined to believe, would expose Antilon's disingenuity, and shew how inconclusive his inference is——"*Therefore the gover- "nor may settle fees,*" that is, *impose fees* on the inhabitants of this province. It has been already observed, that the King originally paid all his officers, and that nothing can be more consistent with the spirit of our constitution, than that he, who pays salaries, should fix them. "Fees are certain perquisites allowed to "officers, who have to do with the administration of "justice, as a recompence for their labour, and trou- "ble, and these are either ascertained by acts of par- "liament or established by *ancient usage*, which gives "them *an equal sanction with an act of parliament (D).*" Coke in his comment on Littleton, sect. 701, observes, that it is provided by the statute of Westminster 1st, that no sheriff, or any other minister of the King, shall take any reward for doing his office, but that which the King alloweth. That the subsequent statutes having permitted fees to be taken in some instances, under colour thereof, abuses had been committed by officers: but that they cannot take fees, but such as are given by act of parliament. "But yet such reasona- "ble fees as have been allowed by the courts of jus- "tice of *ancient time* to inferior ministers, and attend- "ants of courts for their *labour* and *attendance*, if they "be asked and taken of the subject, is no extortion." It does not appear to me, that the judges have ever imposed *new fees* by their sole authority. Hawkins says, "the chief danger of oppression is from officers "*(E)* being left at liberty to set their *own* rates, and "make their *own* demands," therefore the *law* has "authorised the judges to settle them."

What law, common, or statute, has either empowered the judges to impose *new* fees? Antilon asks, how are *these settlements*, and the admission of *their legality* (take notice, reader, I have not admitted *their legality*) to be reconciled with the position, *that fees are taxes?* Before you can reasonably expect an answer to this question, it is incumbent on you, Antilon, first to fix a certain, and determinate meaning to a *settlement of fees by the judges*, and to explain in what manner, upon what occasions, and at what time, or times, the judges have *settled* fees; then shall we have some fixed, and certain notion of these settlements. After you have taken all this trouble, the information may be pleasing (man is naturally curious, and fond of having mysteries unfolded) but the inference, "*Therefore, the go- "vernor may legally impose fees by his sole authority,*" will be rejected for this plain and obvious reason. Fees in this province have been generally settled by the legislature; so far back as 1638, we find a law for the limitation of officers fees; in 1692, the governor's authority to settle fees was expressly denied by the lower house; it was voted unanimously by that house, "*That "it is the undoubted right of the freemen of this province "not to have ANY FEES imposed upon them but by the "consent of the freemen in a general assembly.*——The speaker of that house attended by several members went up to the council chamber, and informed the governor, and members thereof, "That no *officers fees* "ought to be imposed upon them, but by the consent "of the representatives in assembly, and that this li- "berty was established and ascertained by several acts "of parliament, the authority of which is so great, as "to receive no answer, but by repeal of the said sta- "tutes, and produced the same with several other au- "thorities; to which the governor's answer was, that "his instructions from his majesty were to *lessen*, and "*moderate* the exorbitancy of them, and not to *settle* "them; to which Mr. speaker replied that they were "thankful to his majesty for the same, but withal de- "sired that *no fees* might be *lessened* or *advanced* but by "the consent of the assembly, to which the governor "agreed." An act was passed that very session for regulating officers fees.

Here was a formal relinquishment of the claim to settle fees by prerogative; from that day to this, the claim has been constantly opposed by the representatives of the people, and in consequence of that opposition, laws have been made from time to time for the limitation of officers fees; these laws ought to be considered, as so many strong, and express denials of the proprietary's authority to settle fees, and as so many acknowledgments on the part of government of its illegality. Precedents, I know, have been brought, to shew, that the power hath been exercised; so have many other unconstitutional powers; the exercise doth not prove the right, it proves nothing more, than a deviation from the principles of the constitution in those instances, in which the power hath been illegally exercised. Precedents drawn from the mere exercise of a disputed authority, so far from justifying the repeated exercise of that authority, suggest the strongest motive for resisting a similar attempt, since the former temporary, and constrained acquiescence of the people under the exertion of a contested prerogative is now urged as a proof of its legality. As precedents have been mentioned, their proper use, and misapplication, cannot be better displayed, than by a quotation from the author of the considerations. After perusing the passage with attention, the reader, I think, will be disposed to treat Antilon's argument drawn from the precedent of New-York, with great contempt, perhaps, with some indignation, should he have reason to believe, that the considerations were wrote by this very Antilon. "When instances are urged as an authori- "tative reason for adopting a new" (or an illegal measure, the reason is applicable to either) "they are "proved to be more important from this use of them" (the countenance and support they are made to give to arbitrary proceedings) "and ought therefore to be "reviewed with accuracy, and canvassed with strict- "ness; what is proposed, ought to be incorporated "with what has been done, and the result of both "stated, and considered as a substantive original ques- "tion, and if the measure proposed is incompatible "with the constitutional rights of the subject, it is so "far from being a rational argument, that consistency "requires an adoption of the proposed measure, that "on the contrary, it suggests the strongest motive for "abolishing the precedent; when therefore an instance "of *deviation* from the constitution is pressed, as a "reason for the establishment of a measure striking at "the root of all liberty; though the argument is in- "conclusive, it ought to be useful. Wherefore, if a "sufficient answer were not given to the argument "drawn from precedents, by shewing that none of the "instances adduced are applicable, I should have very "little difficulty in denying the justice of the princi- "ples, on which it is founded; *what hath been done if "wrongful confers no right to repeat it*; to justify op- "pression and outrages by instances of their commis- "sion, is a kind of argument, which never can pro- "duce conviction, though it may *their* acquiescence, "whom the terror of greater evils may restrain; and "thus the despotism of the east may be supported, and "the natural rights of mankind trampled under feet. "The question of right therefore doth not depend "upon precedents, but on the principles of the con- "stitution, and hath been put on its proper point al- "ready discussed," whether the prerogative may law- fully settle fees in this province. Antilon has laid great stress on the authority of the English judges to settle fees, and from that authority, has inferred a similar power in the governor of this province; he has not indeed explained, as it behoved him to do, the origin, nature, and extent of that authority, nor has he shewn, in what manner it has been exercised.

No man, I believe, hath a precise, and clear idea of a settlement of fees by the judges, from what Antilon has hitherto said on that subject. What does it mean? I ask again, does the authority to settle, imply a power to lay *new* fees? The judges have allowed cannot alter, or increase the *old* fees; these have not therefore, I presume, a discretionary power to impose *new*; if their authority should extend to the imposition of *new fees*, why in a variety of instances, have fees been ascertained by act of parliament? Where was the necessity of enacting those statutes, if the judges were empowered *by law* to settle, that is, to impose fees by their own, or delegated authority? Here seem to be two distinct powers in the same state, capable of the same thing; if co-equal, they may clash, and interfere with each other; if the one be subordinate to the other, then no doubt, the power of the judges must be subject to the power of the parliament, which is, and must be supreme; if subject to, it is controulable by parliament. The parliament, we all know, is composed of three distinct branches, independent of, yet controuling, and controuled by each other; no law can be enacted, but by the joint consent of those three branches; now, if in case of disagreement between them about a regulation of fees, the power of the judges may step in, and supply the want of a law, then may the interposition, and authority of parliament in that case be rendered useless, and nugatory. Suppose the leading members of one branch to be deeply interested in the regulation, that branch will probably endeavour to obtain, if it can, an *exorbitant provision* for officers: the other may think the provision contended for, too great, they disagree; the fee-bill miscarries; the power of the judges is now left at liberty to act, a necessity for its acting is insisted on, and they perhaps establish the *very fees*, which one branch of the legislature has already condemned as unreasonable and excessive. Suppose the judges should hold their seats during pleasure, suppose them strongly prejudiced in favour of government, might not a bad administration, if this power were submitted to, obtain what establishment it pleased for its officers? Should the judges discover a disinclination to favour the views of government, the removal of the stubborn, and the putting in of others more compliant, would overcome that difficulty, and not only secure to government for a time, the desired establishment of *fees*, but render that establishment perpetual. That a bold, and profligate minister will embrace the most barefaced, and shameful means to carry a point, the creation of twelve peers in one day, "*on the spur of the occasion,*" is a memorable proof. A settlement of fees by proclamation, I still presume to assert, notwithstanding the subtile efforts of Antilon to prove the contrary, to be an arbitrary, and illegal tax, and consequently thus far similar to the ship-money assessment: my Lord Coke's authority warrants the assertion and his reasoning will support the principle; all new offices erected with new fees, or *old* offices with *new* fees, are within this act (de tallagio non concedendo) that is, they are a *tallage*, or *tax* upon the people.

I never asserted, that our offices relating to the administration of justice were not *old*, and *constitutional*; but I have asserted, that we have *no old*, and *established fees*; that fees settled by proclamation, are *new* fees, and that consequently they come within the act, and Coke's exposition of it; and therefore, as *new* fees are taxes, and taxes cannot be laid but by the legislature, except in the cases heretofore mentioned; fees settled by one, or two branches thereof, are an unconstitutional, and illegal tax. What Coke observes, says Antilon, in his comment on the statute (de tallagio non concedendo) "may be fully admitted, without "any proof, that "*every settlement* of *fees* is a tax;" therefore, I presume, some settlement of fees is a tax, what settlement of them, Antilon, is a tax? If fees settled by act of parliament are taxes, why should they cease to be taxes, when settled by the discretionary power of the judges? if when settled by the latter authority, they come not within the strict legal definition of a tax, are they on that account less oppressive, or of a less dangerous tendency? According to Antilon, the words, "*new fees are not to be annexed to old offices,*" mean, "*that the old and established fees are not to be "augmented or altered but by act of parliament*;" yet, in "*the old offices, fees may be settled.*" That is, if I comprehend him right, *new* fees may be established by the judges "*for necessary services, when there happens to be "no prior provision made by law for those services.*"

How is this interpretation of my Lord Coke's comment to be reconciled with his position, that fees cannot be imposed but by act of parliament, and with the doctrine laid down in ad Bacon already recited? The *legality* of the proclamation, Antilon has said, is determinable in the ordinary judicatories; does it follow therefore, that the measure is *constitutional?* On the same principle the assessment of ship-money would have been constitutional; for the legality of that too was determinable in the ordinary judicatories, and it was actually determined to be legal by all the judges, four excepted; if in that decision the parliament, and people had tamely acquiesced, proclamations at this day would have the force of laws, indeed would supersede all law.

Antilon's next argument in support of the proclamation is derived from the necessity of ascertaining precisely by the judgment, or final decree, the costs of suit, which are sometimes wholly, sometimes partly composed of the lawyers, and officers fees. If fees are taxes, and taxes can be laid by the legislature only, that *necessity* (admitting it for the sake of argument to exist) will not justify the settlement of fees by proclamation, who is to be judge of the necessity? Is the government? then is its power unlimited. Who will pretend to say, that the *necessity* is *urgent*, and *irresistible?* Such a necessity only, can excuse the violation of this fundamental law; "*The subjects shall not be taxed "but by the consent of their representatives in parliament.*" "If necessity is the sole foundation of the dangerous "power" of settling fees by prerogative, when there is no prior establishment of them by law, "it behoves "those, who advise the exercise of that power, not "only to see that the necessity is indeed *invincible*, but "that it has not been occasioned by *any fault* of their "own; for, if it is even the case, the act is in no way "justifiable, and if the other, that very necessity, "which is the excuse of the act, will be the accusation "of those, who occasioned it, and in place of being

(D) Bacon's Abridg. 2d Vol.

(E) Antilon has acknowledged, that two counsellors were interrogated in the settlement of fees; he is, perhaps, one of them: he has also acknowledged, that he advised the proclamation as expedient and legal; he has held up the proclamation as the standard, by which the courts of justice are to be guided in awarding costs: if all this be true, has he not endeavoured to fix his own rates? and make his own demands?

" juſtifiable in their conduct, they muſt be excuſable, " firſt, with the *blame of the neceſſity*, and next with the " danger of the violation of the law, as the drunken " man who commits murder, juſtly bears the guilt " both of inebriation and bloodſhed *(F)*." To whom is the blame of the ſuppoſed neceſſity, now plead as an excuſe for acting againſt law, imputable? Is it not to thoſe, who rather than ſubmit to a regulation by law of their fees, and to an apprehended diminution of income, choſe to ſhelter themſelves under the wings of arbitrary prerogative, and to expoſe their country to all the difficulties, and diſtreſs, which the wanton exerciſe of an unconſtitutional power was ſure to introduce?

Who, the leaſt acquainted with the arguments in favour of ſhip-money, and the *diſpenſing power*, does not perceive this part of Antilon's defence to be a repetition, and revival of thoſe exploded, and juſtly odious topics tricked off in a new dreſs to hide their deformity, the better to impoſe on the unthinking and unwary. Antilon aſſerts, that the Citizen from ſome proceedings of the houſe of commons, infers a power in the commons " *alone*," to ſettle the fees of officers belonging to the courts of law. Want of accuracy in the expreſſion has, I confeſs, given a colour to the charge; but Antilon to juſtify his conſtruction of the ſentence referred to, and to exclude all doubt of the Citizen's meaning, has inſerted the word " *alone*." " If the commons, ſays the Citizen, *had a right to in-*" *quire into the abuſes committed by the officers of the courts,* " *they had, no doubt, the power of correcting thoſe abuſes,* " *and of eſtabliſhing the fees in thoſe courts, had they* " *thought proper*"—he ſhould have added (to prevent all cavil)—*with the concurrence of the king and lords.* This was really the Citizen's meaning, though not expreſſed; his whole argument ſhould be conſidered, and taken together; he endeavours all along to prove, that fees are taxes, that taxes cannot be laid but by the legiſlature, except in the inſtances already mentioned, which, as I ſaid before, are exceptions to the general rule. The extracts from the report of the committee were adduced to ſhew, what abuſes had crept into practice by officers charging illegal fees; what oppreſſions the encroaching ſpirit of office had brought upon the ſubject; and the controuling power of the houſe of commons over the officers of the courts of juſtice. They reſolved, that all the fees ſhould be fixed, and eſtabliſhed by authority, that they ſhould be regiſtered in a book, and inſpected gratis, that the rates being publickly known, officers might not extort more than the uſual, ancient, legal, and eſtabliſhed fees. It does not appear, that the commons authoriſed the judges to create *new* fees, or to alter, and increaſe the old, but inſiſted, that a table of all the fees ſhould be made out under the inſpection of the judges, and, to give it a greater ſanction, ſhould be ſigned, and atteſted by them, to prevent, no doubt, the ſecret and rapacious practices of officers. That fees are taxes, I hope, has been proved; but ſhould it be granted, that they are not taxes, becauſe they have been ſettled in England by other authority, than the legiſlative (which I do not admit, if by a ſettlement of fees under the authority of the judges, an impoſition of *new* fees be meant) ſtill I contend, that a ſettlement of fees in this province by proclamation is illegal, and unconſtitutional, for the reaſons already aſſigned; to which the following may be added. If a table of fees had been framed by the houſe of commons, confirmed by act of parliament, and all former ſtatutes relating to fees had been repealed, and a temporary duration given to the new act, that at its expiration, corrections and amendments (if expedient) might be made in the table of fees, if in conſequence of a diſagreement between the branches of the legiſlature about thoſe amendments, the law had expired, and the commons had reſolved, that an attempt to eſtabliſh the late rates by proclamation would be illegal, and unconſtitutional, would any miniſter of Great Britain adviſe his ſovereign, to iſſue his proclamation, under colour of preventing extortion, but in reality for the very purpoſe of eſtabliſhing the conteſted rates? If a miniſter ſhould be found daring enough to adopt the meaſure, a diſmiſſion from office might not be his only puniſhment, although he ſhould endeavour to juſtify his conduct upon legal principles, in the following manner.

The ſame authority diſtinct from the legiſlative, that has ſettled, may ſettle the fees, when the proper occaſion of exerciſing it occurs: the proper occaſion has now preſented itſelf, we have no law for the eſtabliſhments of fees; ſome ſtandard is neceſſary, and therefore the authority diſtinct from the legiſlative, which uſed to ſettle fees, muſt interfere, and ſettle them again; neceſſity calls for its exertion, and it ought to be active; recourſe, I allow, ſhould not be had to its interpoſition, but in a caſe of the utmoſt urgency.

" Nec deus interſit niſi dignus vindice nodus.
" Nor let a god in perſon ſtand diſplay'd,
" Unleſs the *labouring plot* deſerve his aid."

Such reaſoning would not ſcreen the miniſter from the reſentment of the commons: they would tell him, that the neceſſity, " *The tyrant's plea*," was pretended, not real, if real, that it was occaſioned by his ſelfiſh views, which prevented the paſſage of a law, for the ſettlement of fees; they would perhaps aſſert, that a power diſtinct from the legiſlative, unleſs authorized by the latter, had never attempted to impoſe fees, ſince they began to be paid by the people; they might poſſibly ſhew, that a ſettlement of fees by the judges, does not imply an authority in them to impoſe new fees, if it ſhould, that the power is unconſtitutional, and ought to be reſtrained; they might contend that a ſettlement of fees by the judges, was nothing more than a publication under their hands, and ſeals of ſuch fees, as had been uſually, and of ancient time received by the officers of the courts; that the publication by authority was made, to prevent the rapacious practices of officers; they would probably refer the miniſter to my Lord Coke, who ſays expreſſly—that, while officers " could take no fee at all for do-" ing their office but of the King, then had they no " colour to aſſert any thing in the ſubject, who knew, " that they ought to take nothing of them, but when " ſome acts of parliament, changing the rule of the " common law, gave to the miniſters of the King, fees " in ſome particular caſes to be taken of the ſubject, " abuſes crept in, and the officers and miniſters did " offend in moſt caſes, but at this day, they can take " no more for doing their office, than have been ſince " this act allowed to them *by authority of parliament*." (Weſtminſter 2d.)

But let us leave fiction, and come to reality; What will the delegates of the people at their next meeting ſay to *our* miniſter, this Antilon, this *enemy to his country, (G)* this bathaw—who calls a cenſure of his meaſures, arrogance, and freedom of ſpeech, preſumption?—They will probably tell him, *you* adviſed the proclamation, with *you* it was concerted in the cabinet, and by *you* brought into council; *your* artifices impoſed on the board, and on the Governor, and drew them into an approbation of a *ſcheme, extraordily ſpecious, and calculated* to deceive; *you have* ſince defended it upon principles incompatible with the freedom, eaſe, and proſperity of the province. If your endeavours ſhould prove ſucceſsful, if the proclamation ſhould be enforced, we ſhall never have it in our power to correct the many glaring abuſes, and exceſſive rates of the old table, adopted by the proclamation, nor to reduce the ſalaries of officers, which greatly overpay their ſervices, and give an influence to government, uſually converted to ſiniſter purpoſes, and of courſe repugnant to the general good.

The monies collected from the people, and paid to officers, amount annually to a large ſum; officers are dependent on, and of courſe attached to government; power is ſaid to follow property, the more, therefore, the property of officers is encreaſed, the greater the influence of government will be; fatal experience proves it already too great. The power of ſettling fees by proclamation is utterly inconſiſtent with the ſpirit of a free conſtitution; if the proclamation has a legal binding force, then will it undoubtedly take away a part of the people's property without their conſent " Whatever another may *rightfully* take from me " without my conſent, I have certainly no property " in," *(H)*—if you render property thus inſecure, you deſtroy the very life, and ſoul of liberty.—What is this power, or prerogative of ſettling fees by proclamation, but the meer exertion of arbitrary will?—If the ſupreme magiſtrate may lawfully ſettle fees by his ſole authority, at one time, why may he not increaſe them at ſome other, according to his good will, and pleaſure? *(I)* what boundary, what barrier ſhall we fix to this diſcretionary power? Would not the exerciſe of it, if ſubmitted to, preclude the delegates of the people from interfering in any future ſettlement of fees, from correcting ſubſiſting abuſes, and exceſſes, or from lowering the ſalaries of officers, when they become too lucrative?—It is imagined, the ſalaries of the commiſſary, and ſecretary, from the increaſe of buſineſs, will in proceſs of time, exceed the appointments of the governor; does not this very circumſtance point out the neceſſity of a reduction?—But if the authority to regulate officers fees, with the concurrence of the other branches of the legiſlature, ſhould be wreſted from the lower houſe, What expectation can we ever have, of ſeeing this neceſſary reduction take place?

" That queſtions ought not to be prejudged, ſays " Antilon, is another of the Citizen's objections" here again he wilfully miſrepreſents the Citizen's meaning.

The paſſage in the Citizen's laſt paper alluded to by Antilon is this—" The governor it is ſaid with the " advice of his lordſhip's council of ſtate, iſſued the " proclamation; three of our provincial judges are " of that council, they therefore adviſed a meaſure, " as proper, and conſequently as legal, the legality of " which, if called in queſtion, they were afterwards " to determine; is not this in ſome degree prejudging " the queſtion?" Antilon talks of precedents, and eſtabliſhed rules; the Citizen ſays not a word about them, his meaning is too plain to be miſtaken, without deſign. The council, it has been ſaid, adviſed the proclamation, the judges therefore, who were then in council, and concurred in the advice, thought it a legal meaſure; the legality of it may hereafter be queſtioned; as judges of the provincial court, they may be concerned in the determination of the queſtion; Is there no impropriety in this proceeding? If they ſhould determine the proclamation to be illegal, would they not queſtion their former opinion? Would they not adviſe the proclamation, ſhould an appeal be brought to the king only in council? Is there not a probability that the deciſion of this controverſy may ariſe originally with the members of the council, who conſtitute the court of appeals; theſe gentlemen, it is ſaid, unanimouſly concurred in adviſing the proclamation. If it be ſaid that *in interlocutory queſtions, judges ſhall not be allowed to ſit in* " *their regular courts, in caſes of error*," and that *one* " *member*" *(K)* of the twelve councellors, ſays Antilon, " are only what is intended"—Suppoſe a fact to be brought before twelve judges—one of whom was plaintiff in the cauſe, and their two ſhould ſit in judgment, and deliver their opinions, would not the judgment, if given in favour of the plaintiff, be void on this principle, *that no man ought to be judge in his* " *own cauſe*, ſuch proceeding being contrary to reaſon and natural equity? Two counſellors only, it ſeems, were intereſted, that is *immediately* intereſted? But might not others be ſwayed by a remote intereſt? Are the views of thinking men confined to the preſent hour? Are they not moſt commonly extended to diſtant proſpects? If one of the *intereſted counſellors*, from his ſuperior knowledge of the law, and conſtitution, and from the confidence repoſed in his abilities, ſhould have acquired an uncommon aſcendant over the council, may we not rationally conclude, that *his opinion* would have great weight with *thoſe*, who cannot be ſuppoſed equally good judges of the law, and conſtitution? Suppoſing this *intereſted counſellor* to be an *honeſt man*, ought not his opinion to have the greateſt weight with meer laymen on a legal and conſtitutional queſtion? The proclamation has no relation to the chancellor, ſays Antilon. Does not the chancellor continue to receive fees in his court according to the rates of the old table? Is not the governor chancellor, and *has* not the proclamation ſet up the *very* rates of the old table? How then can it be ſaid, that the proclamation has no relation to the chancellor? Should ſome refractory perſon refuſe to pay the chancellors fees, What methods would be taken to enforce the payment of them? The chancellor, I ſuppoſe, would decree his own fees to be paid; would he not therefore be judge in his own cauſe? or if he ſhould refuſe to do the ſervice, unleſs the fee were paid, at the inſtant of performing it, Would not this be a very effectual method of compelling payment?

Antilon's ſtrictures in one of his notes on the Citizen's crude notions *(L)* of Britiſh polity fall intirely on another perſon, they are the notions of Monteſquieu and of the writer of a pamphlet entitled, " The " privileges of the aſſembly of Jamaica vindicated, " &c." and quoted as ſuch. Notwithſtanding the appeal from the court of chancery to a ſuperior juriſdiction, the impropriety of having the offices of governor, and chancellor united in the ſame perſon, muſt be *obvious to every thinking* man. " The procla-" mation was the act of the governor, flowing from " his perſuaſion of its utility; he was not to be di-" rected by the ſuffrage of the council, he was to " judge of the propriety of their advice, upon the " reaſons they ſhould offer; they were twelve in num-" ber" and no doubt each offered his reaſons apart; all this may be very true, Antilon, and *you* may ſtill remain the principal adviſer, the ſole *fabricator* of the proclamation; Was the proclamation thought of, at one and the ſame inſtant, by all the twelve? Who firſt propoſed it? If you did not firſt propoſe the meaſure, did you not privately inſtigate the gentleman, who did propoſe it to the board, to make the motion? I know you of old; you never choſe to appear openly the author of miſchief, you have always fathered your " *miſchievous tricks*," on ſome one elſe—to theſe queſtions I would request your anſwer, and reſt the truth of the accuſation on your averment; but the averments of a " *cautered*" miniſter are not more to be relied on, than his promiſes. I have charged, you ſay, all the members of the council with being your implicit dependents; I deny the charge; I have ſaid, they were impoſed on by your artifices; Is it the firſt time, that ſenſible men have been outwitted by a knave? You are now trying to engage them on your ſide, and to make them parties to *your* cauſe. To raiſe their reſentment againſt the Citizen, you endeavour to perſuade them, that they have been treated as cyphers, dependent tools, idiots, a meer rabble,

" Nos numerus ſumus, et fruges conſumere nati."
We are but cyphers, born to eat, *and ſleep*.

To draw the governor into your quarrel, you aſſert, that I have contradicted him in the groſſeſt manner; but, as uſual, you have failed in your proof, " In his " proroguing ſpeech he has declared, that he iſſued " his proclamation ſolely for the benefit of the peo-" ple, by nine tenths of whom, he believed it was ſo

(F) *Quoted from a pamphlet intitled* " *a ſpeech againſt* " *the ſuſpending, and diſpenſing prerogative*" *ſuppoſed to be written by my Lord Mansfield, Mr. Blackſtone ſpeaking of the very meaſure, which occaſioned that ſpeech, obſerves,* " *A proclamation to lay an embargo in time of* " *peace upon all veſſels laden with wheat, (though in the* " *time of a publick ſcarcity) being contrary to law—the* " *adviſers of ſuch a proclamation, and all perſons acting* " *under it, muſt be indemnified by a ſpecial* " *act of parliament, 7 Geo. iii. C. 7.*"

(G) *Voted ſo by the lower houſe. Antilon ſeems to make very light of thoſe reſolves, a wicked miniſter is never at a loſs to find out motives, to which he may aſcribe the cenſure and condemnation of his conduct, theſe he will impute either to paſſion, to the diſappointment of a faction, or to rancorous and perſonal enmity; however, if the proclamation is illegal, and of a dangerous tendency, the votes alluded to, ſo far from being juſtly imputable to any of theſe cauſes, ought to be deemed the reſult, and duty of real patriotiſm. Antilon has compared the votes of a former lower houſe againſt certain reſolves, to the late votes againſt the adviſer of an unconſtitutional meaſure. The unprejudiced will diſcern a wide difference between the two precedents, but a review of the former would ſuppoſe no good purpoſe, it might perhaps rekindle extinguiſhed animoſities; of that tranſaction, therefore, I ſhall ſay no more than—*

" *Mentionem, et injuriam*
" *Oblivione, et ſilentio.*
" *Ego remunder, atque fugiam.*

(H) *Blackſtone's caſe of Ireland quoted.*

(I) *Four years ſubſiſting ſucceſſively by Proclamation in 1773, on the application of ſeveral perſons.*

(K) " *Whether any officer has been guilty of extortion,* " *is a queſtion, which neither your nor our declaration* " *ought to prejudicate; but that your declarations held out* " *to the publick would have, in no ſmall degree, this effect,* " *can hardly be doubted, and on our part particularly,* " *ſuch a declaration would be the more improper, the laſt* " legal appeal *in this province being to us*; it would " *be to* anticipate queſtions, before they come to us " through their regular channel, to decide firſt, and " hear afterwards." *Vide upper houſe meſſage 20th No-vember, 1770.*

(L) *If the governor may lawfully iſſue his proclamation for the eſtabliſhment of fees, and it ſhould receive a legal binding force from the decree of the chancellor, who in this province is governor, or from the determination of judges appointed by him, and removeable at his pleaſure.*

" Then may he behave with all the inſolence of an " oppreſſor, " The will to ordain, and the power to en-" force, will be lodged in the ſame perſon; I do not aſſert " that the governor will act tyrannically, " but the form " of the government will admit (as Blackſtone juſtly obſerves) " the poſſibility, even in the gracious behaviour, as in the " mild ſeaſons of the year."

" underſtood." That you perſuaded him to think the proclamation was calculated *ſolely* for the benefit of the people, I eaſily credit, and that he really thought ſo, I will as readily admit: your *ſubdolous* attempts to involve the governor in *your* guilty counſels, and make him a partner in *your* crimes, diſcover the wiſdom of the maxim, "*The King can do no wrong*," and the propriety, nay, the neceſſity of its application to the ſupreme magiſtrate of this province. I ſhall adopt another maxim, eſtabliſhed by the Britiſh parliament, equally wiſe, and juſt, "*The King's ſpeeches are the "miniſters ſpeeches.*" The diſtinction, perhaps, will be ridiculed with falſe wit, and treated by ignorance, as a device of St. Omers. The proroguing ſpeech, though perhaps not penned, yet prompted by you, ſuggeſts that nine tenths of the people underſtood the proclamation was iſſued for their benefit; how is the ſenſe of the people to be known, but from the ſentiments of their repreſentatives in aſſembly? To judge by that criterion, the proclamation was not underſtood by nine tenths of the people as iſſued for their benefit. That the application of the above maxims ſhould give you uneaſineſs, I am not ſurpriſed; they throw guilt of bad meaſures on the proper perſon, on you, and you only, the real author of them; the glory, and the merit of good are wholly aſcribed to you, by your unprincipled creatures; the ſpirited reply to the petitioners for a biſhop was delivered, it is ſaid, in purſuance of your advice: be it ſo, claim merit wherever you can, I will allow it, wherever it is due; but ceaſe to impoſe on your countrymen, think not to aſſume all the merit of good counſels, and of bad to caſt the blame on others. Hampden has been deſervedly celebrated for his ſpirited oppoſition to an arbitrary, and illegal tax; a ſimilar conduct would deſerve ſome praiſe, and were the danger of oppoſition, and the power of the oppreſſor as great, the merit would be equal. The violent oppoſition, which Mr. Ogle met with, proceeded, I thought, in great meaſure from the cauſe aſſigned in my laſt paper; it certainly occaſioned great diſcontents.

The decree for the payment of fees "*according to the very ſettlement of the proclamation,*" was given, as I conceived, in his firſt adminiſtration. A miſconception of Antilon's meaning lead me into this error; that I would wilfully ſubject myſelf to the imputation of a falſehood ſo eaſily detected, will ſcarcely be credited, unleſs it be believed, that the hardened impudence, and *habitual mendacity* of an Antilon, become *proverbial*, had rendered me inſenſible of ſhame, and regardleſs of character. "The Citizen has ſaid, the "proclamation ought rather to be conſidered as a di-"rection to the officers, what to demand, and to the "people what to pay, than a reſtriction of officers"—Antilon affects to be much puzzled about the meaning of the word *direction*; it is ſurpriſing he ſhould, when he holds up the proclamation, as the ſtandard, by which the courts of juſtice are to be governed in aſcertaining coſts, as the only remedy againſt the extortion of officers, by ſubjecting them to the governor's diſpleaſure, and removal from office, if they ſhould exceed the eſtabliſhed rates, or to a proſecution for extortion, ſhould the legality of the proclamation be eſtabliſhed in the ordinary judicatories. It is a common obſervation confirmed by general experience, that a claim in the colony-governments of an extraordinary power as incidental to, or part of the prerogative, is ſure to meet with the encouragement, and ſupport of the miniſtry in Great-Britain. That the proclamation is a point which the miniſter of Maryland, *(our Antilon)* wants to eſtabliſh, is by this time evident to the whole province. Every artifice has been made uſe of, to conceal the dangerous tendency of that meaſure, to reconcile the people to it, and to procure their ſubmiſſion. Opinions of eminent counſel in England have been mentioned, the names of the gentlemen are now communicated to the publick; the ſtate, on which thoſe opinions were given, though called for, the perſon, who drew it, and adviſed the opinions to be taken, ſtill remain a profound ſecret. The ſacred name of majeſty itſelf, is proſtituted to countenance a meaſure, not juſtifiable upon legal and conſtitutional principles, to ſilence the voice of freedom, and of cenſure, and to ſcreen a guilty miniſter, from the juſt reſentment of an injured, and inſulted country. The whole tenor of Antilon's conduct makes good the old obſervation, "That when miniſters are pinched in "matter of proceeding againſt law, they throw it up-"on the King" *(M)*. Antilon has repreſented the proclamation, as the immediate act of the governor, "*The governor was not to be directed, &c.*" now, to give it a ſtill greater ſanction, we are told, the governor's conduct in this very buſineſs, has met with the royal approbation. To what purpoſe was this information thrown out? Was it to intimidate, and to prevent all farther writing, and diſcourſe about the proclamation? Unheard of inſolence! The pride, and arrogance of this Antilon, have bereft him of his underſtanding; quos deus vult perdere, primo dementat. Speaking of the proclamation the Citizen has ſaid, "*In a land of freedom, this arbitrary exertion of prero-"gative, will not, muſt not be endured.*" Antilon calls theſe *naughty words*, and intimates a repetition of them would be dangerous. In a free country, a contrary doctrine is inſufferable; the man, who dares maintain it, is an enemy to the people, perhaps, the time may not be very diſtant, when this haughty, ſelf-conceited, this *tremendous* Antilon will be obliged to lower his tone, and will find perchance my Lord Coke's ſaying prove true, "That the miniſter, who "wreſtles with the laws of a free country, will be ſure "to get his neck broke in the ſtruggle." I have aſſerted, that the Citizen's firſt paper was wrote without the advice, ſuggeſtion, or aſſiſtance of any perſon; theſe words, it ſeems, are not ſufficiently comprehenſive; What words of a more extenſive import can be made uſe of? I have denied all knowledge of the paper wrote by the Independent Whigs, till it was publiſhed in the Maryland gazette; to this moment the Independent Whigs are unknown to me. The communication to ſome gentlemen in private, of a paper wrote againſt an obnoxious miniſter, cenſuring his publick conduct, though the ſtrictures might meet with their approbation, ought not to render them ſo culpable, as to juſtify the miniſter in loading them with the fouleſt, and moſt virulent abuſe. Does the writer even deſerve ſuch treatment? I was too well acquainted with the temper, and character of Antilon, not to be prepared againſt the bitterest invectives, which malice might ſuggeſt, and falſehood could propagate; ſuch, I was perſuaded, a cenſure of his meaſures, would draw on his cenſurer. Conſcious of my integrity, confiding in the goodneſs of my cauſe, and deſirous of counteracting the inſidious deſigns of a *wicked miniſter*, I took up my pen, determined to deſpiſe the calumnies of a man, which I knew, a candid publick would impute to his malevolence. The event has confirmed my apprehenſions, Antilon has poured out the overflowing of his *gaul*, with ſuch fury againſt the Citizen, that, to uſe the words of Cicero applied to Anthony.

"Omnibus eſt viſus vomere *ſua more* non dicere" He ſeems according to cuſtom, rather to ſpew, than to ſpeak.

The extracts from Petyt were to ſhew, that the commons had cenſured proclamations iſſued to "*eſta-"bliſh matters rejected by parliam*t. *in a ſeſſion immedi-"ately preceding;*" That, "*Former proclamations had "been vouched to countenance, and to warrant the latter.*"

The Citizen had no intention to deceive the people; no wiſh, that more might be inferred from his "*little "ſcraps,*" than what was plainly announced. The proclamations alluded to, were contrary to law: and it is contended, and, I truſt, it has been proved, that the proclamation for ſettling officers fees is alſo contrary to law. Had the Citizen deſignedly ſuppreſſed the titles of the proclamations recorded in Petyt, would he have mentioned the authors name, and referred his readers to the very page, from which the extracts were taken? Would he not rather have imitated the conduct of Antilon, who ſpeaking in his firſt paper, of a commiſſion iſſued by the King to the chancellor for ſettling fees, neither mentions the book, from which the quotation is given, nor the time of the tranſaction. I comprehend fully, Antilon, your threats thrown out againſt certain religioniſts, to ſhew the *greateſs of your ſoul*, and your utter deteſtation of malice, I ſhall give the publick a tranſlation of your latin ſentence; the ſentiment is truly noble, and reflects the higheſt luſtre on it's author, or adopter.

"Eos tamen lædere non exoptemus, qui nos lædere non exoptant."

"We would not wiſh to hurt thoſe who do not wiſh "to hurt us"—in other words—I cannot wreak my reſentment on the Citizen, without involving all of his religion in one common ruin with him; they have not offended me, it is true, but it is better, that ninety-nine juſt ſhould ſuffer, than one guilty man eſcape; a thorough paced politician never ſticks at the means of accompliſhing his ends; Why ſhould I, who have ſo juſt a claim to the character? Theſe, Antilon, are the ſentiments, and threats, couched under your latin phraſe, which *you even* were aſhamed to avow in plain Engliſh; how juſtly may I retort

——————pudet hæc opprobia dici,
"Et dici potuiſſe, et non potuiſſe refelli."

The concluſion of a late excellent pamphlet *(N)* is admirably ſuited to the preſent ſubject; I ſhall, therefore, tranſcribe it, taking the liberty of making a few alterations, and inſertions. "If we ſee *an arbitrary "and tyrannical diſpoſition ſome where*, the call for "watchfulneſs is a loud," "*That there is ſuch a diſpo-"ſition ſome where, and where, we will know—the procla-"mation, and the arrogance of it's ſupporter, are convincing "proofs.*" "A tyrannical ſubject wants but a tyranni-"cally diſpoſed maſter, to be a miniſter of arbitrary "power: if ſuch a miniſter finds not ſuch a maſter, "he will be the tyrant of his prince"—*or prince's re-preſentatives*—" as much as of his fellow ſervants, and "fellow ſubjects—I ſhould be ſorry to ſee" *the go-vernor of this province* "In chains, even if he were "content to wear them—to ſee him unfortunately in "chains, from which perhaps he could with difficulty "free himſelf, till the perſon, who impoſed them, "runs away; which every good ſubject would, in "that caſe, heartily wiſh might happen; the ſooner, "the better for all."

FIRST CITIZEN.

COPENHAGEN, *February* 11.

ALL the captains and chief commanders of the royal navy of Denmark, were ſummoned to appear before the board of admiralty on the 8th inſtant when they received orders to take in a twelvemonths proviſion with all ſpeed. The victualling office had been previouſly apprized of this, and the orders were ſo ſtrictly attended to, that they began the ſame day to take in biſcuit, &c.

LONDON, *February* 8.

On Saturday the Court of Common Pleas gave final judgment on the queſtion of law which came before it laſt term, "whether an action of treſpaſs and falſe impriſonment would lay againſt an attorney for any miſtake, or act proceeding from ignorance in the execution of his office and way of his profeſſion at the ſuit of the defendant." The Lord Chief Juſtice, who delivered the determination of the Court in a ſolemn argument which laſted for above an hour and a half, cited a variety of caſes in full proof, that an action would lay in the preſent inſtance, and a very great number of correlative deciſions, to ſhew that the grand principles of the common law went directly in ſupport of that opinion. He ſaid, that the act of impriſoning muſt be either defended, excuſed, or denied. It could not be defended, becauſe all the proceedings relative to the arreſt were totally informal and illegal, were therefore vacated, and the writ looked upon in the ſame light as if it had never been iſſued. It could not be excuſed, becauſe miſtake or ignorance are not inevitable; nor could it be denied, becauſe the fact had been already ſufficiently and ſatisfactorily proved. He next remarked, that there had been three perſons either virtually or actually concerned in the tranſaction; the Plaintiff, the Attorney, and the Officer who executed the writ. The firſt of whom was virtually a treſpaſs, by being bound by the act of her Attorney. The ſecond, as acting through miſtake or ignorance, was equally a treſpaſſer; but the officer, acting miniſterially, muſt always ſtand excuſed, becauſe he could not have done otherwiſe: beſides, as the proceedings were vacated, and the record of the whole tranſaction deſtroyed, an officer can never be anſwerable in ſuch a caſe. His Lordſhip then entered largely into an enumeration of the ſeveral advantages and privileges an attorney enjoyed under the common and ſtatute law, as well as the inſtances in which he lay open to be called to an account by his client, or adverſary, and at length concluded, by ſaying, that by the common law of England, confirmed by the ſtatute of Weſtminſter the firſt, an action of deceit would lie againſt an attorney for any damage ſuſtained in goods or chattels, at the ſuit of either his client or adverſary; and that this being a damage ſuffered in the perſon of the latter, an action might be well maintained; and therefore the motion for a new trial to ſet aſide a former verdict of damages awarded by a jury againſt an attorney now before the court, muſt be diſcharged. His lordſhip, among a great number of other authorities, quoted Glanville, Bracton, the year-books of Edward III. Henry IV. Edward IV. and Henry VI. Coke's inſtitutes, Crook Elizabeth, and Crook James, Brooke, Keeble, Raymond, Roll's abridgement, &c. &c.

March 6. Yeſterday bills were ſtuck up at the Royal Exchange, for volunteers to enter on board the following men of war under the command of admiral Spry, viz. the Ocean, Albion, Somerſet, Raiſonable, Torbay, Dublin, Boyne, and Kent.

Capt. Palliſton, who arrived a few days ſince in the river, ſpoke with, in lat. 27, long. 43, 30, five French men of war. The largeſt of them, which mounted 80 guns, carried an Admiral's flag at the foretop-maſt head.

The aſſiduous attention, ſays a correſpondent, which Lord Rochford has paid to ſettling the commercial differences between the courts of London and Liſbon, deſerves the higheſt praiſes, and the warmeſt thanks.

ANNAPOLIS, *May* 6.

Capt. Eden, in his paſſage, ſpoke the following veſſels: April 5, a ſloop from New-York, Quill, for Surinam, long. 46: 25 W. lat. 23: 48. Same day, brig Two Friends, Peter Bruſſton, from Madeira for Philadelphia, out 23 days, long. 51, lat. 24: 51: April 13, ſhip Trueman, Joſhua Shepherd, from Briſtol to Charles-Town, laſt from Cork, which ſhe left the 12th of February, long. 57: 4, lat. 26. Same day ſpoke ſloop Lively, Henry Miller, from London for Guadalupe, out 14 days, long. 59. April 24, ſloop Betſey, Andrew Low, from Georgia for New-York, out 9 days.

HAVING often heard that my old inveterate, though unprovoked, enemy Capt. Coolidge, (whoſe dear delight and employment for ſeveral years has been to invent and circulate many malicious falſehoods to bring infamy and ruin upon me and all my connections) had threatened to publiſh ſome *new* calumny; I waited, *knowing the man*, with my uſual indifference, to ſee what the mountain wou'd produce,——when behold——at laſt ——, a little black——ſomething crept forth—— to acquaint the world of the *important diſcovery*—— that Mr. Weſt had——*what?*——*refuſed to ſettle accounts with him!* Really? *Yes really!*——Indeed? *Yes indeed!* PRODIGIOUS!!!——

Suppoſing the aſſertion to be true, (which I deny,)——how is the publick intereſted? can the publick ſettle the accounts?—I believe the publick will receive little entertainment from ſuch a controverſy;——for my part I am aſhamed to have my name appear on ſo contemptible an occaſion.—

But he wou'd make the world believe that I never let him have the accounts;——the *direct contrary* can be proved; and the *true* reaſon why the accounts have not been *finally* ſettled is, that his behaviour is ſo petulant and abuſive as to render it impoſſible for me to ſettle *peaceably* with him——

However, ſince he has thought fit to relate *ſo pitteous* a ſtory, and exhibit *ſo heavy* a charge *to the Gazette* againſt "S. Weſt" "ſaid Weſt," "the a-bove Weſt" and four more "Mr. Weſts"——*ſaid* Weſt lets him know, *by the ſame channel*, that he need not deſpair or be in a paſſion;——for a ſuit is commenced againſt him to bring the diſpute before the *proper* tribunal: At the firſt court an order may be entered to refer the accounts to gentlemen capable of ſettling them and the award will ſhow *who had the beſt right to complain.*

May 1, 1773. S. WEST.

Annapolis, May 4, 1773.

JANE and Anne Neilſon, have juſt imported, a neat aſſortment of the neweſt faſhion millenary which they will ſell on very reaſonable terms.

(M) *Grey's debates.*

(N) *Intitled, a ſpeech againſt the ſuſpending and diſpenſing prerogative.*

SUPPLEMENT to the MARYLAND GAZETTE.

THURSDAY, MAY 6, 1773.

To be sold by publick vendue, on the 10th of June next, all the real estate belonging to the Bush River Iron Works Company, at the head of Bush River, in Baltimore county, Maryland, now laid out in the following lots for the convenience of sale.

No. I. THE principal seat, containing about 50 acres, on which are an iron furnace not in use, a merchant mill, &c. with a very fine stream of water with the mill race and dam; about 20 acres of this lot is very fine improved meadow, and most of the 50 acres may be watered from the race, and are very rich. There are divers small houses, out houses, &c. on this lot, which are pleasantly situated at Bush Town. The stream is capable of manufacturing 30,000 bushels of wheat, is in an extraordinary fine wheat country, and about 25 miles from Baltimore Town, 45 from York Town in Pennsylvania, and a good road. The mills are at the head of navigable water, and the flour barrels may be rolled out of the mill into craft, and transported from thence by water to Baltimore Town or head of Elk at nine pence per barrel.

No. II. Is a tract of land called Coomb's Adventure, lying on Patapsco River, distant about 2 miles from Baltimore Town, containing by estimation, about 175 acres. On this land is one of the best banks of iron ore in the province, and is accommodated with every convenience to render it valuable; it lays high and dry, and a vessel of 200 tons may lay to the shore. This land is a remarkable situation for a gentleman's seat.

No. III. & V. Contain about 7 acres, adjoining Bush Town, between the furnace race and Binam's run, are pleasantly situated on the main road, and very convenient buildings.

No. VI. Is one acre of ditto land.

No. VII. Is about 8 acres above the old race and dam, adjoining John Lee Webster's land; is valuable meadow land.

No. VIII. Is 25 acres near Bush Town, on the west side of Binams run, below the dam, some of it good meadow ground, the remainder fine tillable land.

No. IX. Is about 31 acres above the dam, adjoining James Mauthers's, part of it fine meadow land.

No. X. Is about 5 acres, between the old race and the dam along side of the run.

No. XVI. Is about 250 acres, part of the north end of Nova Scotia; this land is mostly level, full of good timber, and is very fine land.

No. XVII. Contains about 270 acres, part of the same tract, much as above, but has some more valuable meadow ground.

No. XVIII. Contains about 130 acres, nearly qualified with No. 17.

No. XIX. Part of Abbott's forest, contains 121 acres, about 30 acres of which is some of the finest meadow ground in the province; the whole full of fine timber.

No. XX. & XXI. Part of Nova Scotia, on the west side of James's run, near Bush Town, part of it good meadow, and contains about 100 acres.

No. XXII. Part of two tracts near Bush Town, lying between Hannah Richardson's and the post road, containing about 130 acres.

No. XXIII. Is part of Friendship, between the main road and James Webster's plantation, contains about 80 acres, pleasantly situated.

No. XXIV. Is 20 acres of land, has on it a stone grist mill on a good stream of water, within 400 yards of tide water.

No. XXV. Is a wharf on the river for unloading vessels at.

No. XXVI. Is part of Nova Scotia near Bush Town, contains about 30 acres.

No. XXVII. Is part of Broken Islands, about 9 acres, at the old mine bank.

No. XXVIII. Part of Friendship at the north side of the post road, adjoining Hannah Richardson's, containing about 61 acres.

No XXIX. Part of ditto lying on each side of the post road, containing about 180 acres.

No. XXXI. Contains about 134 acres, known by the name of Hughs's Lands, on the post road about three miles from Bush Town, adjoining navigation, and is a pleasant seat.

No. XXXII. Part of two tracts, containing about 300 acres, is good farming land, on which is a good plantation, a great prospect of iron ore, a good orchard, and many fruit trees.

All the above lands are situated near Bush Town, and none more than three or four miles from navigable water. The sale to be held at Bush Town. Reasonable credit will be given to the purchasers on giving bond with approved security. The premises may be view'd any time before the day of sale, and the several lots (above described) shewn, by applying to Isaac Webster near Bush Town, William Cox, or Thomas Bond son of John. w4

May 1, 1773.

THE Land office issue warrants as formerly, and all persons who have made application for warrants or any kind of business in that office, are desired to apply, that they may not lose the benefit of such application.

Signed per order,

WILLIAM STEUART, C. L. O.

To be sold to the highest bidder, at the subscriber's plantation, on Friday the eighteenth day of June next, if fair, if not the next fair day,

ABOUT three hundred and forty acres of land, lying on Patuxent river, near Snowden's iron-works well known by the name of Riggs's neck, with all convenient houses suitable to either planter or farmer. The fertility of the soil is so well known to numbers, that a particular description is not needful. A good title will be given to the purchaser, and possession given up by the first of December, by w7 AMON RIGGS.

April 6, 1773.

ON monday the 24th of may next, will be exposed to publick sale, on the premises, at 3 o'clock in the afternoon, the plantation and land whereon the subscriber now lives, lying in Frederick county, Maryland, about five miles from George Town on Patowmack River, eight from Bladensburg, and near the main road that leads from George Town to Frederick Town, containing about 384 acres, whereon is a good and convenient dwelling house with four rooms below and three above, a good cellar and convenient kitchen; a meat house, milk house, corn house with stables under it, good paled garden and yard, two good tobacco houses, in one of which there is a threshing floor; there is also a good apple, peach, and cherry orchard. The land will suit either for planting or farming; there is some good marsh fit for meadow.

The purchaser will have liberty to put in a crop of grain in the fall, as early as he chooses, and will have full possession of the houses and premises on the 20th day of December next. Six months credit will be given the purchaser from the day of sale, on his giving bond with security. Any person may view the land by applying to the subscriber. Also on the same day will be set up to the highest bidder, a parcel of country born slaves.

tf ERASMUS GILL.

Just arrived from London,

The Ship ANNAPOLIS,

THOMAS EDEN,

WHICH loads in the river Patuxent, and receives tobaccoes consigned to Thomas Eden and Co. merchants in London, at the usual freight of seven pounds sterling per ton.

As Capt. Eden is positively engaged to sail for London from Maryland between the tenth and twentieth of June, his friends are requested not to occasion any unnecessary delay in shipping their tobacco; and any goods they may want in the fall they may depend on receiving, as he purposes being in the country again in October.

Such of Capt. Eden's friends as he will not be able from the shortness of time and hurry of business to wait on, he hopes will excuse him, and leave their orders, with their tobacco notes, at the most convenient inspection houses to themselves, and they shall be punctually complied with.

N. B. Great part of the cargo for the Annapolis is engaged, and ready. Any gentlemen, who are situated at a distance, and will take the trouble of engaging craft to put their tobacco on board, will greatly oblige Capt. Eden, who will pay immediately the usual freight thereof. They are desired to send their orders or invoices therewith, and shall receive bills of lading by the first opportunity.

TEN POUNDS REWARD,

Mount Clare, Baltimore county, April 27, 1773.

RAN away from the subscriber, a convict servant man, named John Adam Smith, a well set fellow, five feet six or seven inches high, about 30 years of age, fair complexion short light curled hair, gray eyes, and light eyebrows, by trade a Gardener; has with him, it is supposed, a treatise on raising the pine apple, which he pretends is of his own writing, talks much of his Trade, and loves liquor: Had on when he went away, a red striped linen waistcoat, white shirt, buckskin breeches, fine yarn stockings, and black leather shoes, but may have other cloaths, and perhaps may have a pass. Whoever secures him and gives the subscriber notice, shall have if taken in Baltimore or Anne-Arundel counties five pounds, and if in any other county the above reward, paid by

4w CHARLES CARROLL.

Just imported from London, and to be sold by ISAAC and CHISHOLM, Cabinet and Chairmakers, in Church street, near the dock, a neat and general assortment of Joiners and Cabinetmakers tools, viz.

NEAT brass mounted stocks with 36 bits for each; common ditto with one bit for tapping cabinet; jack, trying, smoothing, and jointer planes; double iron'd drying and smoothing ditto; double moulding sash planes; astragal, ogee, quarter round, and snipe bill ditto; bead planes with box edges; square, screw, and side rabbet planes; sash, moving, and common fillasters; cornice, raising, nozing, and neck mould planes; table, cock, bead, and spring ditto; dead grooving planes of different sizes brass mounted; plows with 6 irons; and one regular set of hollows and rounds, &c.

April 27, 1773.

RAN away from the subscriber on the 21th inst. an Irish convict servant man, named William Weldon, about five feet five inches high, sandy coloured short hair, and his beard when grown entirely red, with a remarkable mould on his right cheek, surrounded with red hair which he will not have shaved off; a joiner by trade, speaks much with the brogue, and is very fond of liquor: had on and took with him, a check and an osnabrig shirt, country made shoes, old felt hat, halfthick jacket, and a pair of dark coloured broad cloth breeches.

Whoever takes up the above servant, and secures him, so that his master may have him again, shall receive five pounds reward, and all reasonable charges, paid by

STEPHEN STEWARD.

May 2, 1773.

RAN away from the subscriber, a servant man named James Roper, about twenty-one years of age, by trade a tailor, is about five feet eight or nine inches high, dark complexion, much pitted with the small-pox, wears his own hair, which is black: had on when he went away, a dark bearskin frock bound round, white ruffia drab breeches, white thread stockings, and good shoes; he also took with him, a light coloured fustain frock with a red cape, and sundry waistcoats. Whoever takes up the said servant, and brings him to his master, living in Annapolis, shall receive, if taken ten miles from home, forty shillings; if twenty miles, three pounds, and if fifty miles or upwards, five pounds; including what the law allows, paid by

THOMAS CALLAHAN.

April 14, 1773.

To be sold by way of publick vendue, on Tuesday the first day of June next, at the house of Joseph Belt, in George Town, to begin about 2 o'clock in the afternoon.

ABOUT three hundred acres of land, lying just below Rock-Creek church, a remarkable pleasant situation and very convenient to trade, being within three miles of George-Town, and four off Bladensburgh; there are four plantations on the land, rented from year to year.—There will be also sold between ninety and a hundred acres of land, on Rock-Creek, about four miles from George-Town, whereon is a good mill seat, as also a very fine mill seat on Capt. John's run, and two very valuable lots in the addition to George-Town; any time that may be thought convenient will be given the purchasers for one half the money, on giving bond with security and paying interest, to

w3 JAMES WHITE.

April 14, 1773.

NOTICE is hereby given, that the subscriber intends to leave this province the next ensuing summer; all persons indebted to him, are desired with all convenient speed, to come and pay their respective ballances, and they that have any demands against him, are desired to bring in their accounts legally proved, and they shall be immediately paid, by w2 DAVID WOOD.

Baltimore, April 20, 1773.

ROBERT CHRISTIE, junr. has a large assortment of dry goods, also genuine Madeira wine of New-York quality, best bar iron, and barrelled pork, all of which he will sell on reasonable terms. 6w

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RAN away from the subscriber, living near the head of Patapsco river, in Baltimore County, on the 9th of march last, an English convict servant man named Joseph Manyfold, a lusty well set fellow, about five feet eight or nine inches high, wears his own short dark hair which curls a little, his right ear is split, and has a scar on his throat which I believe to be cut by himself. Had on, an osnabrig shirt, an old felt hat, and strong shoes with iron plates to the heels; the other part of his dress is country made white kersey. Whoever secures the said servant so that his master may get him again, shall receive, if ten miles from home thirty shillings, if thirty miles fifty shillings, and if out of the province five pounds including what the law allows, and reasonable charges if brought home, paid by

w3 SAMUEL NORWOOD.

" underſtood." That you perſuaded him to think the proclamation was calculated *ſolely* for the benefit of the people, I eaſily credit, and that he really thought ſo, I will as readily admit: your *ſubdolous* attempts to involve the governor in *your* guilty counſels, and make him a partner in *your* crimes, diſcover the wiſdom of the maxim, "*The King can do no wrong*," and the propriety, nay, the neceſſity of its application to the ſupreme magiſtrate of this province. I ſhall adopt another maxim eſtabliſhed by the Britiſh parliament, equally, wiſe, and juſt, "*The King's ſpeeches are the* " *miniſters ſpeeches.*" The diſtinction, perhaps, will be ridiculed with falſe wit, and treated by ignorance, as a device of St. Omers. The proroguing ſpeech, though perhaps not penned, yet prompted by you, ſuggeſts that nine tenths of the people underſtood the proclamation was iſſued for their benefit; how is the ſenſe of the people to be known, but from the ſentiments of their repreſentatives in aſſembly? To judge by that criterion, the proclamation was not underſtood by nine tenths of the people as iſſued for their benefit. That the application of the above maxims ſhould give you uneaſineſs, I am not ſurpriſed; they throw guilt of bad meaſures on the proper perſon, on you, and you only, the real author of them; the glory, and the merit of good are wholly aſcribed to you, by your unprincipled creatures; the ſpirited reply to the petitioners for a biſhop was delivered, it is ſaid, in purſuance of your advice: be it ſo, claim merit wherever you can, I will allow it, wherever it is due; but ceaſe to impoſe on your countrymen, think not to aſſume all the merit of good counſels, and of bad to caſt the blame on others. Hampden has been deſervedly celebrated for his ſpirited oppoſition to an arbitrary, and illegal tax; a ſimilar conduct would deſerve ſome praiſe, and were the danger of oppoſition, and the power of the oppreſſor as great, the merit would be equal. The violent oppoſition, which Mr. Ogle met with, proceeded, I thought, in great meaſure from the cauſe aſſigned in my laſt paper; it certainly occaſioned great diſcontents.

The decree for the payment of fees "*according to the very ſettlement of the proclamation*," was given, as I conceived, in his firſt adminiſtration. A miſconception of Antilon's meaning lead me into this error; that I would wilfully ſubject myſelf to the imputation of a falſehood ſo eaſily detected, will ſcarcely be credited, unleſs it be believed, that the hardened impudence, and *habitual mendacity* of an Antilon, become *proverbial*, had rendered me inſenſible of ſhame, and regardleſs of character. " The Citizen has ſaid, the " proclamation ought rather to be conſidered as a di- " rection to the officers, what to demand, and to the " people what to pay, than a reſtriction of officers"—Antilon affects to be much puzzled about the meaning of the word *direction*; it is ſurpriſing he ſhould, when he holds up the proclamation, as the ſtandard, by which the courts of juſtice are to be governed in aſcertaining coſts, as the only remedy againſt the extortion of officers, by ſubjecting them to the governor's diſpleaſure, and removal from office, if they ſhould exceed the eſtabliſhed rates, or to a proſecution for extortion, ſhould the legality of the proclamation be eſtabliſhed in the ordinary judicatories. It is a common obſervation confirmed by general experience, that a claim in the colony-governments of an extraordinary power as incidental to, or part of the prerogative, is ſure to meet with the encouragement, and ſupport of the miniſtry in Great-Britain. That the proclamation is a point which the miniſter of Maryland, *(our Antilon)* wants to eſtabliſh, is by this time evident to the whole province. Every artifice has been made uſe of, to conceal the dangerous tendency of that meaſure, to reconcile the people to it, and to procure their ſubmiſſion. Opinions of eminent counſel in England have been mentioned, the names of the gentlemen are now communicated to the publick; the ſtate, on which thoſe opinions were given, though called for, the perſon, who drew it, and adviſed the opinions to be taken, ſtill remain a profound ſecret. The ſacred name of majeſty itſelf, is proſtituted to countenance a meaſure, not juſtifiable upon legal and conſtitutional principles, to ſilence the voice of freedom, and of cenſure, and to ſcreen a guilty miniſter, from the juſt reſentment of an injured, and inſulted country. The whole tenor of Antilon's conduct makes good the old obſervation, " That when miniſters are pinched in " matter of proceeding againſt law, they throw it up- " on the King" *(M)*. Antilon has repreſented the proclamation, as the immediate act of the governor, "*The governor was not to be directed, &c.*" now, to give it a ſtill greater ſanction, we are told, the governor's conduct in this very buſineſs, has met with the royal approbation. To what purpoſe was this information thrown out? Was it to intimidate, and to prevent all farther writing, and diſcourſe about the proclamation? Unheard of inſolence! The pride, and arrogance of this Antilon, have bereft him of his underſtanding; quos deus vult perdere, primò dementat. Speaking of the proclamation the Citizen has ſaid, "*In a land of freedom, this arbitrary exertion of prero-* " *gative, will not, muſt not be endured.*" Antilon calls theſe *naughty words*, and intimates a repetition of them would be dangerous. In a free country, a contrary doctrine is inſufferable; the man, who dares maintain it, is an enemy to the people, perhaps, the time may not be very diſtant, when this haughty, ſelf-conceited, this *tremendous* Antilon will be obliged to lower his tone, and will find perchance my Lord Coke's ſaying prove true, " That the miniſter, who " wreſtles with the laws of a free country, will be ſure " to get his neck broke in the ſtruggle." I have aſſerted, that the Citizen's firſt paper was wrote without the advice, ſuggeſtion, or aſſiſtance of any perſon; theſe words, it ſeems, are not ſufficiently comprehenſive; What words of a more extenſive import can be made uſe of? I have denied all knowledge of the paper wrote by the Independent Whigs, till it was publiſhed in the Maryland gazette; to this moment the Independent Whigs are unknown to me. The communication to ſome gentlemen in private, of a paper wrote againſt an obnoxious miniſter, cenſuring his publick conduct, though the ſtrictures might meet with their approbation, ought not to render them ſo culpable, as to juſtify the miniſter in loading them with the foulеſt, and moſt virulent abuſe; Does the writer even deſerve ſuch treatment? I was too well acquainted with the temper, and character of Antilon, not to be prepared againſt the bittereſt invectives, which malice might ſuggeſt, and falſehood could propagate; ſuch, I was perſuaded, a cenſure of his meaſures, would draw on his cenſurer. Conſcious of my integrity, confiding in the goodneſs of my cauſe, and deſirous of counteracting the inſidious deſigns of a *wicked miniſter*, I took up my pen, determined to deſpiſe the calumnies of a man, which I knew, a candid publick would impute to his malevolence. The event has confirmed my apprehenſions, Antilon has poured out the overflowing of his *gaul*, with ſuch fury againſt the Citizen, that, to uſe the words of Cicero applied to Anthony.

" Omnibus eſt viſus vomere *ſuo more* non dicere" He ſeems according to cuſtom, rather to ſpew, than to ſpeak.

The extracts from Petyt were to ſhew, that the commons had cenſured proclamations iſſued to " *eſta-* " *bliſh matters rejected by parliament in a ſeſſion immedi-* " *ately preceding*;" That, " *Former proclamations had* " *been vouched to countenance, and to warrant the latter.*"

The Citizen had no intention to deceive the people; no wiſh, that more might be inferred from his " *little* " *ſcraps*," than what was plainly announced. The proclamations alluded to, were contrary to law: and it is contended, and, I truſt, it has been proved, that the proclamation for ſettling officers fees is alſo contrary to law. Had the Citizen deſignedly ſuppreſſed the titles of the proclamations recorded in Petyt, would he have mentioned the authors name, and referred his readers to the very page, from which the extracts were taken? Would he not rather have imitated the conduct of Antilon, who ſpeaking in his firſt paper, of a commiſſion iſſued by the King to the chancellor for ſettling fees, neither mentions the book, from which the quotation is given, nor the time of the tranſaction. I comprehend fully, Antilon, your threats thrown out againſt certain religioniſts, to ſhew the *greatneſs of your ſoul*, and your utter deteſtation of malice, I ſhall give the publick a tranſlation of your latin ſentence; the ſentiment is truly noble, and reflects the higheſt luſtre on it's author, or adopter.

" Eos tamen lædere non exoptemus, qui nos lædere non exoptant."

" We would not wiſh to hurt thoſe who do not wiſh " to hurt us"—in other words—I cannot wreak my reſentment on the Citizen, without involving all of his religion in one common ruin with him; they have not offended me, it is true, but it is better, that ninety-nine juſt ſhould ſuffer, than one guilty man eſcape; a thorough paced politician never ſticks at the means of accompliſhing his ends; Why ſhould I, who have ſo juſt a claim to the character? Theſe, Antilon, are the ſentiments, and threats, couched under your latin phraſe, which *you even* were aſhamed to avow in plain Engliſh; how juſtly may I retort

———————pudet hæc opprobia dici,
" Et dici potuiſſe, et non potuiſſe refelli."

The concluſion of a late excellent pamphlet *(N)* is admirably ſuited to the preſent ſubject; I ſhall, therefore, tranſcribe it, taking the liberty of making a few alterations, and inſertions. " If we ſee *an arbitrary* " *and tyrannical diſpoſition ſome where*, the call for " watchfulneſs is a loud;" *That there is ſuch a diſpo-* *ſition ſome where, and where, we all know—the procla-* *mation, and the arrogance of it's ſupporter, are convincing* *proofs.* " A tyrannical ſubject wants but a tyranni- " cally diſpoſed maſter, to be a miniſter of arbitrary " power: if ſuch a miniſter finds not ſuch a maſter, " he will be the tyrant of his prince"—*or prince's re-* *preſentative*—" as much as of his fellow ſervants, and " fellow ſubjects—I ſhould be ſorry to ſee" *the go-* *vernor of this province* " In chains, even if he were " content to wear them—to ſee him unfortunately in " chains, from which perhaps he could with difficulty " free himſelf, till the perſon, who impoſed them, " runs away; which every good ſubject would, in " that caſe, heartily wiſh might happen; the ſooner, " the better for all."

FIRST CITIZEN.

COPENHAGEN, *February* 11.

ALL the captains and chief commanders of the royal navy of Denmark, were ſummoned to appear before the board of admiralty on the 8th inſtant when they received orders to take in a twelvemonths proviſion with all ſpeed. The victualling office had been previouſly appriſed of this, and the orders were ſo ſtrictly attended to, that they began the ſame day to take in biſcuit, &c.

LONDON, *February* 8.

On Saturday the Court of Common Pleas gave final judgment on the queſtion of law which came before it laſt term, " whether an action of treſpaſs and falſe impriſonment would lay againſt an attorney for any miſtake, or act proceeding from ignorance in the execution of his office and way of his profeſſion at the ſuit of the defendant." The Lord Chief Juſtice, who delivered the determination of the Court in a ſolemn argument which laſted for above an hour and a half, cited a variety of caſes in full proof, that an action would lay in the preſent inſtance, and a very great number of correlative deciſions, to ſhew that the grand principles of the common law went directly in ſupport of that opinion. He ſaid, that the act of impriſoning muſt be either defended, excuſed, or denied. It could not be defended, becauſe all the proceedings relative to the arreſt were totally informal and illegal, were therefore vacated, and the writ looked upon in the ſame light as if it had never been iſſued. It could not be excuſed, becauſe miſtake or ignorance are not inevitable; nor could it be denied, becauſe the fact had been already ſufficiently and ſatisfactorily proved. He next remarked, that there had been three perſons either virtually or actually concerned in the tranſaction; the Plaintiff, the Attorney, and the Officer who executed the writ. The firſt, of whom was virtually a treſpaſs, by being bound by the act of her Attorney. The ſecond, as acting through miſtake or ignorance, was equally a treſpaſſer; but the officer, acting miniſterially, muſt always ſtand excuſed, becauſe he could not have done otherwiſe: beſides, as the proceedings were vacated, and the record of the whole tranſaction deſtroyed, an officer can never be anſwerable in ſuch a caſe. His Lordſhip then entered largely into an enumeration of the ſeveral advantages and privileges an attorney enjoyed under the common and ſtatute law, as well as the inſtances in which he lay open to be called to an account by his client, or adverſary, and at length concluded, by ſaying, that by the common law of England, confirmed by the ſtatute of Weſtminſter the firſt, an action of deceit would lie againſt an attorney for any damage ſuſtained in goods or chattels, at the ſuit of either his client or adverſary; and that this being a damage ſuffered in the perſon of the latter, an action might be well maintained; and therefore the motion for a new trial to ſet aſide a former verdict of damages awarded by a jury againſt an attorney now before the court, muſt be diſcharged. His lordſhip, among a great number of other authorities, quoted Glanville, Bracton, the year-books of Edward III. Henry IV. Edward IV. and Henry VI. Coke's inſtitutes, Crook Elizabeth, and Crook James, Brooke, Keeble, Raymond, Roll's abridgement, &c. &c.

March 6. Yeſterday bills were ſtuck up at the Royal Exchange, for volunteers to enter on board the following men of war under the command of admiral Spry, viz. the Ocean, Albion, Somerſet, Raiſonable, Torbay, Dublin, Boyne, and Kent.

Capt. Palliſton, who arrived a few days ſince in the river, ſpoke with, in lat. 27, long. 43, 30; five French men of war. The largeſt of them, which mounted 80 guns, carried an Admiral's flag at the foretop-maſt head.

The aſſiduous attention, ſays a correſpondent, which Lord Rochford has paid to ſettling the commercial differences between the courts of London and Liſbon, deſerves the higheſt praiſes, and the warmeſt thanks.

ANNAPOLIS, *May* 6.

Capt. Eden, in his paſſage, ſpoke the following veſſels: April 5, a ſloop from New-York, Quill, for Surinam, long. 46: 25 W. lat. 23: 48. Same day, brig Two Friends, Peter Bruſſton, from Madeira for Philadelphia, out 23 days, long. 51, lat. 24: 51: April 13, ſhip Trueman, Joſhua Shepherd, from Briſtol to Charles-Town, laſt from Cork, which ſhe left the 12th of February, long. 57: 4, lat. 26. Same day ſpoke ſloop Lively, Henry Miller, from London for Guadalupe, out 14 days, long. 59. April 24, ſloop Betſey, Andrew Low, from Georgia for New-York, out 9 days.

HAVING often heard that my old inveterate, though unprovoked, enemy Capt. Coolidge, (whoſe dear delight and employment for ſeveral years has been to invent and circulate many malicious falſehoods to bring infamy and ruin upon me and all my connections) had threatened to publiſh ſome *new* calumny, I waited, *knowing the man*, with my uſual indifference, to ſee what the mountain wou'd produce,———when behold————at laſt ——, a little black——ſomething crept forth—— to acquaint the world of the *important diſcovery*—— that Mr. Weſt had——*what?*———*refuſed to ſettle accounts with him!* Really? *Yes really!*——Indeed? *Yes indeed!* PRODIGIOUS!!!————

Suppoſing the aſſertion to be true, (which I deny,)——how is the publick intereſted? can the publick ſettle the accounts?—I believe the publick will receive little entertainment from ſuch a controverſy;——for my part I am aſhamed to have my name appear on ſo contemptible an occaſion.—

But he wou'd make the world believe that I never let him have the accounts;——the *direct contrary* can be proved; and the *true* reaſon why the accounts have not been *finally* ſettled is, that his behaviour is ſo petulant and abuſive as to render it impoſſible for me to ſettle *peaceably* with him——

However, ſince he has thought fit to relate *ſo pitcous* a ſtory, and exhibit *ſo heavy* a charge *in the Gazette* againſt " S. Weſt" " ſaid Weſt," " the a- bove Weſt" and four more " Mr. Weſts"—— *ſaid* Weſt lets him know, *by the ſame channel*, that he need not deſpair or be in a paſſion;——for a ſuit is commenced againſt him to bring the diſpute before the *proper* tribunal: At the firſt court an order may be entered to refer the accounts to gentlemen capable of ſettling them and the award will ſhow *who had the beſt right to complain.*

May 1, 1773. S. WEST.

Annapolis, May 4, 1773.

JANE and Anne Neilſon, have juſt imported, a neat aſſortment of the neweſt faſhion millenary which they will ſell on very reaſonable terms.

(M) Grey's debates.

(N) Intitled, a ſpeech againſt the ſuſpending and diſ- *penſing prerogative.*

SUPPLEMENT to the *MARYLAND* GAZETTE.

THURSDAY, MAY 6, 1773.

To be sold by publick vendue, on the 10th of June next, all the real estate belonging to the Bush River Iron Works Company, at the head of Bush River, in Baltimore county, Maryland, now laid out in the following lots for the conveniency of sale.

No. I. THE principal seat, containing about 50 acres, on which are an iron furnace not in use, a merchant mill, &c. with a very fine stream of water with the mill race and dam; about 26 acres of this lot is very fine improved meadow, and most of the 50 acres may be watered from the race, and are very rich. There are divers small houses, out houses, &c. on this lot, which are pleasantly situated at Bush Town. The stream is capable of manufacturing 30,000 bushels of wheat, is in an extraordinary fine wheat country, and about 25 miles from Baltimore Town, 45 from York Town in Pennsylvania, and a good road. The mills are at the head of navigable water, and the flour barrels may be rolled out of the mill into craft, and transported from thence by water to Baltimore Town or head of Elk at nine pence per barrel.

No. II. Is a tract of land called Coomb's Adventure, lying on Parapsco River, distant about 2 miles from Baltimore Town, containing by estimation, about 175 acres. On this land is one of the best banks of iron ore in the province, and is accommodated with every convenience to render it valuable; it lays high and dry, and a vessel of 200 tons may lay to the shore. This land is a remarkable situation for a gentleman's seat.

No. III. & V. Contain about 7 acres, adjoining Bush Town, between the furnace race and Binam's run, are pleasantly situated on the main road, and very convenient buildings.

No. VI. Is one acre of ditto land.

No. VII. Is about 8 acres above the old race and dam, adjoining John Lee Webster's land; is valuable meadow land.

No. VIII. Is 25 acres near Bush Town, on the west side of Binams run, below the dam, some of it good meadow ground, the remainder fine tillable land.

No. IX. Is about 31 acres above the dam, adjoining James Mauthers's, part of it fine meadow land.

No. X. Is about 5 acres, between the old race and the dam along side of the run.

No. XVI. Is about 230 acres, part of the north end of Nova Scotia; this land is mostly level, full of good timber, and is very fine land.

No. XVII. Contains about 270 acres, part of the same tract, much as above, but has some more valuable meadow ground.

No. XVIII. Contains about 130 acres, nearly qualified with No. 17.

No. XIX. Part of Abbott's forest, contains 121 acres, about 30 acres of which is some of the finest meadow ground in the province; the whole full of fine timber.

No. XX. & XXI. Part of Nova Scotia, on the west side of James's run, near Bush Town, part of it good meadow, and contains about 100 acres.

No. XXII. Part of two tracts near Bush Town, lying between Hannah Richardson's and the post road, containing about 130 acres.

No. XXIII. Is part of Friendship, between the main road and James Webster's plantation, contains about 80 acres, pleasantly situated.

No. XXIV. Is 20 acres of land, has on it a stone grist mill on a good stream of water, within 400 yards of tide water.

No. XXV. Is a wharf on the river for unloading vessels at.

No. XXVI. Is part of Nova Scotia near Bush Town, contains about 30 acres.

No. XXVII. Is part of Broken Islands, about 9 acres, at the old mine bank.

No. XXVIII. Part of Friendship at the north side of the post road, adjoining Hannah Richardson's, containing about 61 acres.

No XXIX. Part of ditto lying on each side of the post road, containing about 180 acres.

No. XXXI. Contains about 134 acres, known by the name of Hughs's Lands, on the post road about three miles from Bush Town, adjoining navigation, and is a pleasant seat.

No. XXXII. Part of two tracts, containing about 300 acres, is good farming land, on which is a good plantation, a great prospect of iron ore, a good orchard, and many fruit trees.

All the above lands are situated near Bush Town, and none more than three or four miles from navigable water. The sale to be held at Bush Town. Reasonable credit will be given to the purchasers on giving bond with approved security. The premises may be view'd any time before the day of sale, and the several lots (above described) shewn, by applying to Isaac Webster near Bush Town, William Cox, or Thomas Bond son of John. w4

May 1, 1773.

THE Land office issue warrants as formerly, and all persons who have made application for warrants or any kind of business in that office, are desired to apply, that they may not lose the benefit of such application.

Signed per order,

WILLIAM STEUART, C. L. Of.

To be sold to the highest bidder, at the subscriber's plantation, on Friday the eighteenth day of June next, if fair, if not the next fair day,

ABOUT three hundred and forty acres of land, lying on Patuxent river, near Snowden's iron-works well known by the name of Riggs's neck, with all convenient houses suitable to either planter or farmer. The fertility of the soil is so well known to numbers, that a particular description is not needful. A good title will be given to the purchaser, and possession given up by the first of December, by w7 AMON RIGGS.

April 6, 1773.

ON monday the 24th of may next, will be exposed to publick sale, on the premises, at 3 o'clock in the afternoon, the plantation and land whereon the subscriber now lives, lying in Frederick county, Maryland, about five miles from George Town on Patowmack River, eight from Bladensburg, and near the main road that leads from George Town to Frederick Town, containing about 384 acres, whereon is a good and convenient dwelling house with four rooms below and three above, a good cellar and convenient kitchen; a meat house, milk house, corn house with stables under it, good paled garden and yard, two good tobacco houses, in one of which there is a threshing floor; there is also a good apple, peach, and cherry orchard. The land will suit either for planting or farming; there is some good marsh fit for meadow.

The purchaser will have liberty to put in a crop of grain in the fall, as early as he chooses, and will have full possession of the houses and premises on the 20th day of December next. Six months credit will be given the purchaser from the day of sale, on his giving bond with security. Any person may view the land by applying to the subscriber. Also on the same day will be set up to the highest bidder, a parcel of country born slaves.

tf ERASMUS GILL.

Just arrived from London,

The Ship ANNAPOLIS,

THOMAS EDEN,

WHICH loads in the river Patuxent, and receives tobaccoes consigned to Thomas Eden and Co. merchants in London, at the usual freight of seven pounds sterling per ton.

As Capt. Eden is positively engaged to sail for London from Maryland between the tenth and twentieth of June, his friends are requested not to occasion any unnecessary delay in shipping their tobacco; and any goods they may want in the fall they may depend on receiving, as he purposes being in the country again in October.

Such of Capt. Eden's friends as he will not be able from the shortness of time and hurry of business to wait on, he hopes will excuse him, and leave their orders, with their tobacco notes, at the most convenient inspection houses to themselves, and they shall be punctually complied with.

N. B. Great part of the cargo for the Annapolis is engaged, and ready. Any gentlemen, who are situated at a distance, and will take the trouble of engaging craft to put their tobacco on board, will greatly oblige Capt. Eden, who will pay immediately the usual freight thereof. They are desired to send their orders or invoices therewith, and shall receive bills of lading by the first opportunity.

TEN POUNDS REWARD,

Mount Clare, Baltimore county, April 27, 1773.

RAN away from the subscriber, a convict servant man, named John Adam Smith, a well set fellow, five feet six or seven inches high, about 30 years of age, fair complexion short light curled hair, gray eyes, and light eyebrows, by trade a Gardener; has with him, it is supposed, a treatise on raising the pine apple, which he pretends is of his own writing, talks much of his Trade, and loves liquor: Had on when he went away, a red striped linen waistcoat, white shirt, buckskin breeches, fine yarn stockings, and black leather shoes, but may have other cloaths, and perhaps may have a pass. Whoever secures him and gives the subscriber notice, shall have if taken in Baltimore or Anne-Arundel counties five pounds, and if in any other county the above reward, paid by

4w CHARLES CARROLL.

Just imported from London, and to be sold by SHAW and CHISHOLM, Cabinet and Chairmakers, in Church street, near the dock, a neat and general assortment of Joiners and Cabinetmakers tools, viz.

NEAT brass mounted stocks with 36 bits for each; common ditto with one bit for tapping casks; jack, trying, smoothing, and jointer planes; double iron'd drying and smoothing ditto; double member'd sash planes; astrical, ogee, quarter round, and snipe bill ditto; beed planes with box edges; square, scew, and side rabbet planes; sash, moving, and common fillasters; cornice, raising, noxing, and neck mould planes; table, cock, beed, and spring ditto; deal groving planes of different sizes brass mounted; plows with 6 irons; and one regular set of hollows and rounds, &c.

April 27, 1773.

RAN away from the subscriber on the 11th inst. an Irish convict servant man, named William Weldon, about five feet five inches high, sandy coloured short hair, and his beard when grown entirely red, with a remarkable mould on his right cheak, surrounded with red hair which he will not have shaved off; a joiner by trade, speaks much with the brogue, and is very fond of liquor: had on and took with him, a check and an osnabrig shirt, country made shoes, old felt hat, halfthick jacket, and a pair of dark coloured broad cloth breeches.

Whoever takes up the above servant, and secures him, so that his master may have him again, shall receive five pounds reward, and all reasonable charges, paid by

STEPHEN STEWARD.

May 2, 1773.

RAN away from the subscriber, a servant man named James Roper, about twenty-one years of age, by trade a tailor, is about five feet eight or nine Inches high, dark complexion, much pitted with the small-pox, wears his own hair, which is black: had on when he went away, a dark bearskin frock bound round, white russia drab breeches, white thread stockings, and good shoes; he also took with him, a light coloured fustain frock with a red cape, and sundry waistcoats. Whoever takes up the said servant, and brings him to his master, living in Annapolis, shall receive, if taken ten miles from home, forty shillings; if twenty miles, three pounds, and if fifty miles or upwards, five pounds; including what the law allows, paid by

THOMAS CALLAHAN.

April 14, 1773.

To be sold by way of publick vendue, on Tuesday the first day of June next, at the house of Joseph Belt, in George Town, to begin about 2 o'clock in the afternoon.

ABOUT three hundred acres of land, lying just below Rock-Creek church, a remarkable pleasant situation and very convenient to trade, being within three miles of George-Town, and four off Bladensburgh; there are four plantations on the land, rented from year to year.—There will be also sold between ninety and a hundred acres of land, on Rock-Creek, about four miles from George-Town, whereon is a good mill seat, as also a very fine mill seat on Capt. John's run, and two very valuable lots in the addition to George-Town; any time that may be thought convenient will be given the purchasers for one half the money, on giving bond with security and paying interest, to

w3 JAMES WHITE.

April 14. 1773.

NOTICE is hereby given, that the subscriber intends to leave this province the next ensuing summer; all persons indebted to him, are desired with all convenient speed, to come and pay their respective ballances, and they that have any demands against him, are desired to bring in their accounts legally proved, and they shall be immediately paid, by w2 DAVID WOOD.

Baltimore, April 20, 1773.

ROBERT CHRISTIE, junr. has a large assortment of dry goods, also genuine Madeira wine of New-York quality, best bar iron, and barrelled pork, all of which he will sell on reasonable terms. 6w

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RAN away from the subscriber, living near the head of Patapsco river, in Baltimore County, on the 9th of march last, an English convict servant man named Joseph Manyfold, a lusty well set fellow, about five feet eight or nine inches high, wears his own short dark hair which curls a little, his right ear is split, and has a scar on his throat which I believe to be cut by himself. Had on, an osnabrig shirt, an old felt hat, and strong shoes with iron plates to the heels; the other part of his dress is country made white kersey. Whoever secures the said servant so that his master may get him again, shall receive, if ten miles from home thirty shillings, if thirty miles fifty shillings, and if out of the province five pounds including what the law allows, and reasonable charges if brought home, paid by

w3 SAMUEL NORWOOD.

Bladensburg, April 28, 1773.

Wanted on Charter immediately for Maderia and West Indies.

A VESSEL of about 3000 bushels burthen, free bottom of Maryland, to load in the Eastern branch of Patowmack.

w3 WILLIAM SYDEBOTHAM.

Benedict, April, 27, 1773.

STRAYED or stolen from the subscriber a black mare, about twelve or thirteen hands high, branded on one of her shoulders G M hanging mane, a switch tail, it is imagined she was carried off by a negro fellow, named Will, belonging to Mary Anderson, near Benedict, who has been run away about two months. Whoever takes up the said mare, and contrives her to the subscriber living in Benedict, or Mr. Peter Campbell, merchant in Piscataway, shall have forty shillings currency reward.

4w ROBERT YOUNG.

THERE is at the plantation of Thomas Mulliken, on the fork of Patuxent, in Anne-Arundel county, a stray small gray mare, about 12 hands high, and 8 or 9 years of age, trots and gallops, without any perceivable brand.

The owner may have her again, proving property and paying charges

w3

March 22, 1773.

To be sold by the Subscribers, at publick Vendue, to the highest Bidder, for ready Money or short Credit, on Thursday July *1st next,*

TWO Lots in *George-Town*, on *Patowmack*, No. 30 and 31, pleasantly situated in the Northwest Quarter of said Town, at the End of *Falls* Street; on Lot. No. 30 is a very good Wooden Dwelling-House, Two Stories high, with a Cellar a Kitchen, and Draw-well at the Back of the House, which furnishes excellent Water: Also one other Lot in the Addition to *George-Town*, No. 144, situate convenient to *George-Town*, not improved.

ROBERT FERGUSON,
w6 ADAM STEUART.

Lower Marlborough, January 19, 1773.

To be sold by Wholesale at a low Advance, for Cash or Bills,

ABOUT Fifteen Hundred Pounds prime Cost of Goods, well assorted.

tf COLIN CAMPBELL.

March 21, 1773.

To be sold at publick Vendue, on Thursday the First Day of July *next, at the late Dwelling-House of* Samuel Wickham, *of* Frederick *County, deceased, viz.*

A TRACT of Land containing Twenty seven Acres, another Tract containing One Hundred Acres, adjoining the other, both lying on *Monockacy* Creek, whereon are Two framed Dwelling-Houses, about Fifty Acres of cleared Land, and some in good Timothy Grass; also one other Tract, containing One Hundred Acres, lying on *Fishing* Creek, in the County aforesaid; whereon is a good Dwelling-House, some Out-Houses, about Forty Acres of cleared Land, and several Acres of Timothy Grass: There is on the said Land, a convenient Place for building a Grist-Mill.—Also all Persons indebted to the Estate of the above said *Wickham*, are desired to make immediate Payment, and those who have any just Claims against said Estate, are requested to bring in their Accounts regularly proved, that they may be adjusted, by

w11 JOSEPH WOOD, junr. Executor.

March 18, 1773.

THE Creditors of Mr. *Robert Horner*, late of *Charles*, are desired to meet at the House of Mrs. *Halkerston*, in *Port-Tobacco* on Wednesday, in *Charles* County, *August* Court Week next, with their Claims against the said *Horner*, in order that a Distribution of the Money arising on the Sale of his Effects deeded to us for their use may be made.

RICHARD BROWN,
w6 THOMAS BOND, } Trustees.

Annapolis, April 6, 1773.

TO BE SOLD,

A HOUSE and Lot in this City, lately the Property of Capt. *James Reith*, deceased, well known for its pleasant Situation. For Terms apply to

JAMES WILLIAMS, Administrator.

All Persons indebted to the Estate of *James Reith*, deceased, are once more desired to make immediate Payment, otherwise will be dealt with as the Law directs. J. W.

Said *Williams* has a good Billiard Table and single Horse Chaise for Sale.

THE noted English dray-horse, imported by Mr. Gough, stands in Baltimore-town, and will cover mares at 40 shillings the season.——Mr. Elie Dorsey, sen. on Elk-ridge, has two of the above horse's colts out of common half-blooded mares that he refused 50 pounds a piece for at two years old; his colts in general prove him well qualified to cross the strain with blooded, half-blooded and country mares for carriage and draught horses. 6w

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Anne-Arundel county, April 16, 1773.

To be rented, and may be entered on immediately,

A VERY good store-house, three rooms below and a brick cellar, situated at Pig point on Patuxent river. For terms apply to

SAMUEL LANE, near Pig-point.

ALL persons having accounts and debts with Thomas Harwood, jun. and John Brice, of more than one year standing, are requested to make immediate payment; and as their partnership is now at an end, it is requested that their customers who have accounts of an early date will call and close them, when convenient, which will save a great deal of trouble to *Their much obliged,*

And very humble servant,

tf THOMAS HARWOOD, jun.

N. B. Thomas Harwood, jun. intends to import goods, and the business will then be carried on by Thomas and Benjamin Harwood, who will gladly serve all that may incline to favour them with their custom.

THE subscriber hereby takes this method of informing his old acquaintance, and the publick in general, that he now keeps the Kings Arms Tavern on Corn-hill, in Annapolis, between the stadt-house and the dock; and as his house is very convenient for the reception of gentlemen travellers and others, and he having furnished himself with the best of liquors and other accommodations for that purpose, hopes to merit the approbation of all who may think proper to favour him with their company. He also keeps the best timothy and clover hay, oats, &c.

tf BERIAH MAYBURY.

N. B. Any gentlemen, such as jurymen or any others, having business in Annapolis so as to be detained more than a day or two, he boards by the day if they think proper; he takes yearly boarders also on the most easy terms. He has for sale a sloop of about thirty tons burthen, well rigged with a new suit of sails, which he will sell cheap for cash or short credit.——He has likewise for sale, a compleat set of well seasoned ship blocks, and a handsome figure head for a ship.—He continues to keep a boat and hands as usual, and has a negro pilot very capable of conducting a ship to and from any part of the bay.

THIS is to give publick notice that the business of the custom house of South Patowmack was discontinued at Lee Hall (where the office has been kept for many years) on friday the 29th january, 1773, and the custom-house books and papers are removed to Homony Hall, the seat of the late Col. James Steptoe, which is on the river, and is the second house above Sandy Point; the office is there opened for the dispatch of publick business.

3w JOSEPH LANE, Deputy Collector.
GILBERT CAMPBELL, Comptroller.

ALL persons indebted to the estate of Capt. Henry Morgan, late of Baltimore county, in Maryland, deceased, either by bills, bonds, protested bills of exchange, notes of hand, accounts, or otherwise, are hereby desired to call and pay the same, or give security for the payments, on or before the first day of june next, or they may expect to be dealt with as the law directs, without further notice or respect of persons; and all persons who have any demands against the said estate are desired to bring them in regularly attested that they be adjusted and paid, by

w6 ALEX. M'MECHAN, & JAMES MORGAN, } Administrators.

THERE is at the plantation of Charles Allanson Ford, a stray black mare, about 12 hands high, with a bright bay mare colt with a small star on his forehead, the mare has no perceivable brand, has a few white hairs on her forehead and appears to be about four or five years old. The owner may have them again on proving property and paying charges. w3

Baltimore, April 13, 1773.

AS I purpose to embark for England either in the fall of the present or spring of next year, I desire all persons who yet owe me money for dealings with Hudson and Thompson, and those whose accounts are due for goods bought from myself, to come without delay, and pay me their respective balances; which only will prevent their being sued to the next september provincial or november county courts.

I have now on hand about £. 3500 cost of well laid in and assorted dry goods, which I will sell at a very low rate all together or in parcels, and will make the payments convenient to the purchasers.

tf HENRY THOMSON.

He has also for sale a few pipes of excellent Madeira bill wine, imported by himself, a quantity of Virginia pork in barrels, and a schooner of about 16 or 1800, and another of 1000 bushels burthen.

NOW FOR SALE,

THE Houses and Lots in which I lately dwelt, situated on the Court-House Circle in the City of *Annapolis*; they are all well inclosed with Rails and Pales; the Houses are mostly new and in very good Repair; they will be sold for a long Credit if required; the Terms may be known by applying to

REUBEN MERIWETHER.

N. B. This House and Lots are so advantageously situated, and so well known, that I think a minute Description of them needless.

Prince-George's County, *March* 12, 1773.

NOTTINGHAM RACES.

To be run for, on Tuesday the First Day of June *next,*

A PURSE of Forty Pounds Currency, free for any Horse, Mare, or Gelding, carrying Weight for Age, *viz.* Four Years old, 7 Stone; Five Years old, 8 Stone; Six Years old, 8 Stone 7 Pounds; and aged, 9 Stone. Heats Four Miles each.

On Wednesday the Second, a give and take Purse of Twenty Pounds, free for any Horse, Mare, or Gelding, (the Winner the preceding Day excepted) a Horse Fourteen Hands high to carry 8 Stone, and rise and fall agreeable to the Rules of Racing. Heats Three Miles each.

And, On Thursday the Third, a Purse of Ten Pounds to be run for, Four Years old Colts and Fillies, Colts to carry 8 Stone, and Fillies 109 Pounds. Heats Two Miles each, (the winning Horse, *&c.* of the First and Second Days excepted).

The Horses *&c.* winning Two clear Heats any of the above Days, shall be entitled to the Purse for which he starts. The Horses for the First Days Purse to be entered on Monday the 17th, with Mr. *John Dorsett*, and Mr. *John Rhit*, before Twelve o'Clock at Noon, and pay Fifty Shillings Entrance, Subscribers of Forty Shillings to be allowed that Sum in the Entrance. For the Second Day Subscribers as above, Ten Shillings, Non-Subscribers, Thirty Shillings; and for the Taird, Subscribers as above, to pay one Dollar, and Non-Subscribers Twenty Shillings Entrance, or double at the Post each Day. The Horses *&c.* for the Second Day to be measured and entered by the above Persons, between the Hours of Eleven and Twelve in the Forenoon, and those for the Colts Purse on Tuesday also. Certificates of the Ages of the several Horses, Mares, and Geldings, to be produced when entered. The Winner the First Day to pay Twenty Shillings; the Second Ten; and the Third Five Shillings for the Use of Weights and Scales; to start precisely at One o'Clock each Day. Proper Judges will be appointed to determine all Disputes that may arise.

N. B. Three reputed running Horses to start each Day or no Race.

April 6, 1773.

THE Subscriber gives this publick Notice to all Gentlemen, particularly his old Acquaintance, that he now lives in the House where Mr. *John Brewer* lately lived, near the Head of the Dock in the City of *Annapolis*; where he keeps wet and dry Goods for Sale. He hath also provided himself with every Necessary for the Reception of Gentlemen in private Lodgings; those Gentlemen who please to favour him with their Company may depend on the best Treatment, as it shall be his constant Endeavour to please, and their Horses will be taken Care of. He would at all Times be glad to do any Kind of Business, that lies in his Power, for his Friends, as they shall think proper to communicate to him by Letter, in the best Manner he is able.

THOMAS HINCKS.

TO BE SOLD,

THE Dwelling Houses and Lots belonging to the late *John Morton Jordan*, Esq; deceased, situated on the Bank of *Severn* River in the City of *Annapolis*. Any Person inclinable to purchase the said Houses and Lots, may know the Terms by applying to their most obedienthumble Servant,

REUBEN MERIWETHER, Adm'r.

March 16, 1773.

THE Subscriber gives this publick Notice to all his former good Customers, and to other Gentlemen, that he now lives in the House where Mr. *William Hutchings* lately dwelt, near the Head of the Dock, in the City of *Annapolis*, that he hath provided himself with every Necessary for the Reception of Gentlemen in the Tavern Way. Those Gentlemen who are pleased to favour him with their kind Custom may depend on the best Treatment, as it shall be my constant Endeavour to please. I should at all Times be glad to do any Kind of Business for my Customers, as they think proper to communicate to me, in the best Manner I can.

I am the Publick's most obliged humble Servant,

2m HENRY GASSAWAY.

N. B. I have a very careful Overseer at my Farm, within a Mile of Town, that understands the Management of Horses, if Gentlemen choose to send their Horses to pasture they shall be taken Care of agreeable to their Orders; there is a fine large Pasture well fenced in, a good Stable, and other Conveniences, that Gentlemen may have them provided for in the best Manner; all Care shall be taken that they do not get away. If they should I will not see them forth coming. H. G.

March 22, 1773.

To be sold by the Subscribers at publick Vendue, to the highest Bidder, on Thursday July *1st next,*

THE Lot and House in *George-Town*, wherein Doctor *Cornish* formerly lived, for Cash or short Credit.

w6 ADAM STEUART,
WILLIAM DEAKINS, junr.

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